

Order Below Exhibit-14
In
Application No. 1470 of 2019.

Read the application and say filed. Perused the record. Heard.

2. By this application, the Insurer is seeking discharge from the liability to pay compensation and deletion of its name from the proceeding. It is contended by the Insurer that the accident occurred due to negligence of driver of JCB bearing No. MH-03-AF-8324 and there was no negligence on the part of driver of another vehicle- motorcar involved in the accident bearing No. MH-13-DE-1901 which is insured with the Insurer. The driver of the insured motorcar has also not been charge-sheeted, as per the police papers. It is, therefore, necessary to discharge the Insurer from the liability to pay compensation and name of the Insurer be deleted from the proceeding.

3. The application is seriously resisted by the claimant contending that the accident took place due to involvement of both the vehicles, the motorcar and the JCB and prayed for rejection of the application.

4. There is no dispute that both the vehicles, car and JCB were involved in the accident in question. The claimant is a third party. Therefore, he has right to raise claim against all or any of the vehicles involved in the accident. He cannot be compelled to restrict his claim to a particular person or vehicle, involved in the accident. In so far as allegations as to rash and negligent driving are concerned, that can be decided only at the end of trial,

considering the overall facts and circumstances of the case and the entire evidence available on record. At this stage, it would be improper to pass such an order which has bearing on the merit of the case and has effect of final adjudication between the parties. Hence, the application deserves to be dismissed. Hence, the following order,

ORDER

The application is dismissed.

Sd/-

Date: 11.03.2026.

(Smt. Rohini R. Patwari)
Member, C.R.No.5
MACT, Mumbai.