

MHNG010022052019



**BEFORE THE CHAIRMAN, MOTOR ACCIDENT CLAIMS
TRIBUNAL, NAGPUR AND PRINCIPAL DISTRICT JUDGE,
NAGPUR**

[Presided over by Dinesh P. Surana]

M.A.C.P. No. 234 of 2019

Khushal S/o Udhavrao Gajbhiye

--Vs. ---

Piyush S/o Prakash Chimurkar + 2 others

Order below Exh.19

[Passed on 06.01.2026]

By this application, the applicant has sought permission to withdraw the claim petition, and to return all the documents filed in the claim petition.

2] As per the advocate for the petitioner, claim petition was filed under Section 166 of the Motor Vehicles Act, for grant of compensation on account of vehicular accidental injuries resulting into losses to Shri Khushal Udhavrao Gajbhiye. Pending claim petition, Khushal Gajbhiye died. His L.R. / dependent want to file separate claim petition on account of his vehicular accidental death.

3] The respondents have not filed any say to this application. On perusal of the application Exh.19, it seems that, it is filed in 2024, whereas from the death certificate of Khushal Gajbhiye, it seems that he died on 12.06.2020. The claim petition is of 2019. Filing of a fresh claim petition will definitely cause

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prejudice to the L.Rs. of the deceased Khushal. The daughter of Khushal is already on record as power of attorney holder of Khushal, therefore, she can very well file supporting documents with request to amend the claim petition to convert it from injury claim to death claim, if permitted.

4] Moreover, no liberty is claimed while withdrawing the claim petition. Therefore, though strict principles of procedural law are not applicable to the claim petition under Motor Vehicles Act, but there can be legal ground of bar under Order XXIII of C.P.C., which can be raised by the respondents, which may cause prejudice to the petitioners.

5] The respondents i.e. driver, owner and insurer of the alleged vehicle involved in the accident have already appeared in the claim petition through their respective advocates. The respondent No.3 insurance company had also filed their written statement. Filing of a fresh claim petition will again cause prejudice to the petitioners as well as respondents.

6] For what reason the claim petition may fail, for reason of some formal defect is not pleaded. I do not think that death of the injured is sufficient ground for allowing the withdrawal of the claim petition, even with liberty to file a fresh claim petition, which will be multiplicity of the proceedings. As such, application, in my view, deserves to be rejected. Therefore, I proceed to pass following order.

ORDER

Application stands rejected with no order as to costs.

Nagpur.
Date : 06/01/2026

[Dinesh P. Surana]
Chairman, M.A.C.T. Nagpur.

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CERTIFICATE

I affirm that the contents of this P. D. F. file of Order are word to word, as per original Order.

Name of Stenographer : Prashant P. Yenurkar
(Grade-I)