

MHRG010005502021



M.A.C.P No. 88/2021

Sunita Goma Chaudhari & Ors.

V/s

Dau Agro Science India Pvt.Ltd.&1

:: ORDER BELOW EXH. 25 ::

Heard both sides. Perused application and say.

2. This application under Order 1 Rule 10(2) of C.P.C. is filed by Opponent No. 1 for deletion of its name as party opponent.

3. Ld. Adv. for Opponent no. 1 submits that, applications of the present Opponent No. 1 for same relief vide Exh. 13 and Exh. 18 have been rejected. The order below Exh. 13 is passed on 07.03.2022 whereas order below Exh. 18 is passed on 31.10.2023. Thereafter the Opponent No. 1 challenged the said order below Exh. 18 before the Hon'ble High Court by filing Writ Petition No. 3495 of 2024. The said Writ Petition was disposed off by Hon'ble High Court (M.S. Karnik – J) on 22.01.2025 with directions to Opponent No. 1 to file fresh application before the Tribunal subject to payment of cost of Rs. 25,000/-. Opponent No. 1 states that, he has deposited the cost of Rs. 25,000/- through NEFT on 07.03.2025 and has accordingly filed pursis at Exh. 26. According to Opponent No. 1 as on the date of accident i.e. on 11.05.2021

Siddharth Logistic Company Limited was the owner of the offending vehicle and therefore the name of Opponent no. 1 be deleted. Ld. Adv. Mr. A. D. Patil for claimant strongly objected the prayer of the Opponent no. 1. Ld. Adv. Smt. Oak submits that, she has filed written statement at Exh. 23 and the same be considered as say to this application.

4. Considering that, on the date of accident i.e. on 11.05.2021 Siddharth Logistic Company Limited was the owner of the offending vehicle as can be seen from R.C. Book filed at Exh. 15 and the certificate of ownership dt. 17.05.2022 issued by RTO Mumbai at Exh. 19, it is apparent that, Opponent No. 1 was not the owner of the offending vehicle as contemplated u/sec. 2(30) of Motor Vehicles Act, 1988. Therefore the Opponent No. 1 is not a necessary or proper party to the present claim petition. Moreover, there is no cause of action against Opponent no. 1. Hence, I am inclined to pass the following order.

:: ORDER ::

1. Application at Exh. 25 is allowed.
2. Claimant shall delete the name of Opponent No. 1 i.e. Dau Agro Science India Pvt. Ltd. from the Claim Petition.
3. Amendment be carried out within 7 days.
4. No order as to Costs.

Alibag.
Date :- 13.10.2025

(R. D. Sawant)
Chairman,
Motor Accident Claim Tribunal
Raigad-Alibag.

CERTIFICATE

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

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,
Raigad-Alibag.

Date of Order : 13.10.2025.

Order signed by the
Presiding Officer on : 13.10.2025.

Order uploaded on : 13.10.2025.