

: ORDER BELOW EXH.31 IN M.A.C.P NO. 60/2022 :
(CNR No. MHRG15-000653-2022)
(Passed on 21.11.2024)

1) The present application is filed by the respondent no.2 praying to add Maharashtra Industrial Development Corporation and State of Maharashtra through Collector, as necessary parties to the claim petition.

2) The applicant contended that they have appointed Investigator to collect papers and to confirm genuineness of the claim petition, filed by the claimant. The investigator submitted his report and thereby submitted paper-cutting, wherein it is clearly mentioned that the alleged accident took place due to pot-holes and bad condition of road. In such circumstances, it is necessary to implead Maharashtra Industrial Development Corporation and State of Maharashtra as parties to the claim petition. They prayed that the application be allowed.

3) The claimants filed their say at Exh.33 and opposed the application. They contended that on perusal of report and spot panchanama, it does not reveal that there were any pot-holes at the spot of accident. The application is nothing but an attempt to prolong the proceeding. They prayed that the application be rejected with costs.

4) Heard Ld. Advocates appearing for parties.

5) On perusal of material available on record, it appears that the claimant no.1 herself is the eye-witness. She was travelling as pillion rider on the Activa bearing registration No.MH-06/BJ-9953, driven by the deceased Dnyaneshwar Phadatare. Her statement is recorded by the Investigating Officer. Her statement does not show that there were any pot holes at the spot of incident, neither the report or spot panchanama shows that there were any pot-holes at the spot of accident. The present application is filed by respondent no.2/applicant relying upon the news, published in newspaper. On the basis of news article, it cannot be said that the proposed respondents are necessary for adjudication of claim petition. Therefore, the application is misconceived. Hence, I proceed to pass following order :-

: O R D E R :

1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 21.11.2024

(H. K. Bhalerao)
Ex-Officio Member, M.A.C.T.
Mangaon-Raigad