



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.6121 OF 2026**

Bajaj Allianz General Insurance Company Ltd. ... Petitioner  
versus  
Kaivan Parimal Shah and Anr. ... Respondents

Mr. Sarthak S. diwan, for Petitioner.

**CORAM: N.J.JAMADAR, J.**

**DATE : 5 MAY 2026**

**P.C.**

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 15 April 2026 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai, whereby the application preferred by the Petitioner to implead the persons who were allegedly responsible for the accident on the basis of the investigation papers, came to be rejected.
3. The Petitioner – Insurer submitted that there was a contributory negligence on the part of six other accused as shown in the investigation papers, and, therefore, those persons are required to be impleaded as parties to the Claim Petition.
4. Respondent No.1 has filed a Claim Petition seeking compensation in respect of the death of Pratibha Parimal Shah in a vehicular accident involving the vehicles, one of which was insured with the Petitioner Company.



For the Respondent No.1 – Claimant, it is a case of composite negligence and not contributory negligence. The claimant is entitled to proceed against one or more or all the joint tort-feasers involved in the accident. Thus, there was no substance in the application for impleadment and the learned Member, MACT, has rightly rejected the application for impleadment of the persons who were shown to be involved in the accident in the investigation papers.

5. Thus, the Petition stands dismissed.

**( N.J.JAMADAR, J. )**