

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 1895 OF 2013**

Sangeeta Prakash Kale .. Appellant  
Vs.  
Shankar Dattatraya Kamble & ors .. Respondents

Mr.Akshay Shinde i/b Mr.A.M.Kulkarni for the appellant.  
None for the respondents.

**CORAM : K.K.TATED, J**

**DATED : 7<sup>th</sup> MARCH, 2014.**

**P.C. :**

1 Heard Mr.Akshay Shinde, learned counsel for the applicant.  
Though the respondent no.2 is duly served, no one appeared on behalf  
of him when the matter was called out.

2 By this First Appeal, the original claimant challenges the  
judgment and decree dated 15<sup>th</sup> December 2010 passed by Motor  
Accident Claims Tribunal, Kolhapur in MACP No.711 of 2002 rejecting  
appellants claim petition on the ground that respondent nos.3 and 4 –  
father-in-law and mother-in-law of appellant filed earlier another claim  
petition no.307/2001 and that Claim Petition was settled before Lok  
Adalat for Rs.1,60,000/-. The Learned counsel for the appellant states

that in earlier Claim Petition No.307 of 2001, the appellant was not a party. Learned counsel for the applicant submits that in the present proceedings, the accident took place on 7<sup>th</sup> March 2001 in which appellant lost her husband. Without disclosing these facts, the respondent nos.3 and 4 filed earlier petition and recovered compensation from Insurance Company.

3           Considering the above mentioned facts and circumstances, office is directed to issue notice before admission to the respondents returnable after six weeks. In addition to the usual mode of service, appellant is directed to serve the respondents by private notice by Registered Post A.D and/or by hand delivery, and file affidavit of service to that effect.

4           In the meanwhile, appellant is directed to file private paper book. Copy of agreement dated 10<sup>th</sup> March 2003 filed by the appellant is taken on record.

5           S.O six weeks.

**(K.K. TATED, J)**