

MOOT COURT PROBLEM – 1

Mahesh and Raghu are close friends and Raghu is running a automobile garage. Mr. Mahesh handed over his mini bus with 20 + 1 sitting capacity to Raghu for repairs and to be returned after the same.

Raghu, who took possession of the mini bus, repaired it and then requested Mr. Mahesh to take the bus back. Mahesh could not do so immediately due to ill health as he was advised 4 months rest by the doctor. On coming to know Doctor's advise , Raghu entered into a contract with one Mr. Narendra for hiring out this bus for a two days tour programme to visit historical places in the State. Accordingly, Narendra took the possession of the bus, drove it off with 30 tourists. While travelling, the mini bus met with an accident against a car coming from opposite direction. In the process, a person travelling in the car by name Sri.Gurunath sustained grievous injuries and the car got damaged extensively.

Mr. Gurunath, is aged about 24 years and he is working as an Engineer in a Software Multinational Company. Later Sri.Gurunath files a Motor Vehicle Complaint MVC No. 22/18 claiming a pecuniary compensation of Rs. 50,00,000/- from Mr. Mahesh(the owner of the mini Bus). Simultaneously the owner of the car Mr. Ramu also filed a similar petition in MVC No. 23/18 seeking compensation for the damage caused to the car from the owner of the mini bus Mr. Mahesh.

The MOTOR ACCIDENT CLAIMS TRIBUNAL (MACT) issues summons to Mr.Mahesh on MVC No. 22&23/2018 . Mr.Mahesh is shocked to know that his bus met with an accident and the claim has now been made against him. On learning this, Mr. Mahesh engages a counsel and files his statement of objection to the petition MVC No.22& 23/2018 and denies his liability to pay compensation in both the cases as he has never contracted with Narendra to hire the bus. The bus was in the possession of Mr.Raghu for the purpose of repairs under a Contract of Bailment . Hence, Raghu and Narendra shall be made as parties in the petition and seek compensation from them. Under the circumstances both MVC No. 22& 23 /2018 are not maintainable and seeks dismissal of the case.

Pursuant to the Statement of Objection by Mr.Mahesh, both Gurunath and Ramu have filed their Rejoinder Statement contending that the MVC No. 22 & 23/2018 are maintainable against Mahesh since he is the owner of the bus. If at all there is any Contract of Bailment, it is for Mahesh to seek a remedy against Raghu and Narendra . Hence, Mahesh is liable .

On the basis of the pleadings of the parties, the presiding officer of MACT proceeded to frame the following issues as a preliminary issue to be decided first.

Issue:

Whether MVC No. 22&23/2018 filed by Gurunath and Ramu are maintainable even in the absence of Raghu and Narendra & whether Mahesh is liable?

The students to prepare the Following:

- 1.MVC Petitions separately,
- 2.Statement of objection on behalf of Mahesh.
- 3.Rejoinder Statement on behalf of Gurunath and Ramu.
4. Argue either on behalf of Mahesh or Gurunath and Ramu.