

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 349 OF 2001

Bajirao S/o Shamrao Morale	.. Appellant
VERSUS	
Syed Jahir S/o Jiyaoddin	
alias Nanhemiyan	.. Respondent

Mrs. A.N. Ansari, Advocate for the appellant/applicant
None present for the respondent though served

CORAM : M.T. JOSHI, J.
DATE : 15/01/2015

ORAL ORDER :

1. Heard Smt. Ansari.

2. The order passed under section 140 of the Motor Vehicles Act by the learned Member of the Motor Accident Claims Tribunal is challenged by the present appellant. The petition was filed by the respondent-Syed Jahir. He claimed that he was injured in the accident, which has occurred on 13/11/1997 while he was going to Beed by jeep bearing registration no.MVV/4787. At that time, the goods truck owned by the present appellant bearing no.MH-23/1127 came from the opposite direction and dashed to his jeep. In the circumstances, he suffered grievous injuries leading to his permanent disablement.

3. The present appellant did not appear in the proceedings. In the circumstances, taking into consideration the disability certificate and the investigation papers of the Police, the order under challenge was passed.

4. Smt. Ansari submits that one chance may be granted to the appellant to contest the petition.

5. It should however be noted that the impugned order was passed on 02/12/2000. The documents clearly proved that the vehicle owned by the present appellant was involved in the accident. The permanent disability certificate also showed that the respondent has suffered the permanent disability. In the circumstances, no merit is found in the appeal. The appeal is therefore dismissed without any order as to costs.

. Consequently, Civil Application no.5206 of 2001 seeking stay to the execution of the impugned order does not survive and the same stands disposed of. Interim stay granted in the said civil application stands vacated.

[M.T. JOSHI]
JUDGE

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