

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

FIRST APPEAL NO. 2325 OF 2014

TUKARAM GANGARAM MUSLE AND OTHERS

VERSUS

SAMATBHAI LULABHAI KHUNTI AND OTHERS

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Advocate for Appellants : Mr. Shirsat Suhas R.

Advocate for Respondent No.3 : Mr. M. K. Goyanka

...

CORAM : S. V. GANGAPURWALA, J.

DATE : 1st September, 2015

PER COURT :

1. Mr. Shirsat, learned counsel for the appellant submits that the appellant could not produce discharge card of the deceased and other relevant material as mother of the advocate of the appellant, at the relevant time had died and as such, the Advocate did not produce the said documents. The respondents 1 and 2 though served, are absent. Mr. Goyanka, learned counsel appears for respondent No.3. Copy of the discharge card is sought to be produced in the present case.
2. Considering the fact that some additional documents are sought to be produced and could not be produced due to the aforesaid reason, I am inclined to grant one more opportunity to the appellant.
3. In the light of above, the impugned order is set aside. The parties are relegated to the tribunal. The parties may lead additional evidence. The claim filed under section 140 of the Motor Vehicles Act shall be decided afresh, on its own merits.
4. First appeal is accordingly disposed of. No costs.

(S. V. GANGAPURWALA, J.)