

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

968 WRIT PETITION NO. 10517 OF 2016

SHEELA GANESH KALE AND OTHERS
VERSUS
NATIONAL INSURANCE CO LTD THROUGH ITS BRANCH MANAGER
AND OTHERS

...
Advocate for Petitioners : D.A. Mane h/f. Bharat Pankaj A
Advocate for Respondent 1 : A.S. Usmanpurkar
Advocate for Respondent 2 & 3 : G.B. Kulkarni
...

CORAM : T.V. NALAWADE, J.
DATED : 7th December, 2016.

ORDER :

1. The petition is filed to challenge the order made by Member of Motor Accident Claims Tribunal, Jalna in Claims Petition No. 147/2015. Application at Exh. 17 and pursis at Exh. 18 were filed by the present petitioners in the Jalna Court and they had requested for permission to withdraw their proceeding to their extent as they had filed proceeding before Claims Tribunal, Aurangabad. After hearing both the sides which includes in-law of petitioner No. 1, the application is rejected.

2. It is unfortunate that in the present matter the widow of the deceased and the parents of the deceased are fighting against each other. It appears that one proceeding was filed in Jalna on 24th of August and that was for parents, widow and

issues of the deceased and then second proceeding came to be filed in Claims Tribunal, Aurangabad on 26th and that was only for widow and issues of deceased. The learned counsel for present petitioner, widow submitted that subsequently application was moved before the Tribunal for giving permission to add the parents of the deceased also as party respondent.

3. In view of the aforesaid circumstances, the Tribunal from Jalna rejected the permission to withdraw the proceeding.

4. It will be open to both the sides to move this Court for bringing the two matters together in one Court. With this observation, the proceeding is disposed of.

[T.V. NALAWADE, J.]

SSC/