

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1100 OF 2016

SHRI. JAIPRAKASH KAMU NAIK., ... Petitioner
Versus
SMT. SAVITRI GOVIND ZARMEKAR AND 6 ... Respondents
ORS.,

Mr. Arjun F. Naik, Advocate for the Petitioner.
Mr. A. Eremita, Advocate for the Respondent no. 7.

Coram:- F. M. REIS, J.

Date:- 7th December, 2016

P.C.

Heard Mr. Naik, learned Counsel appearing for the Petitioner and Mr. Eremita, learned Counsel appearing for the Respondent no. 7.

2. The challenge in the above Petition is to the refusal by the Motor Accident Claims Tribunal to recall a witness for cross examination. The learned Judge whilst passing the impugned Order dated 15.06.2016, has found that the particulars of the aspects the Petitioner desires to cross examine were not mentioned in the application. It is not disputed that the Petitioner had not led their evidence.

3. In such circumstances, the Petitioner can produce evidence in support of the stand taken in the written statement as well as to

rebut or disapprove any evidence relied upon by the Respondents-claimant.

4. In such circumstances, I find that there is no failure of justice to the Petitioner in case the impugned Order is allowed to stay. Needless to say, the Petitioner, if so advised, is at liberty to challenge the impugned Order dated 15.06.2016 in case any adverse Order is passed against the Petitioner at the time of the disposal of the Claim Petition on merits.

5. Hence, there is no jurisdictional error in the impugned Order for any interference under Article 227 of the Constitution of India at this stage. Petition stands disposed of accordingly with liberty as stated.

F. M. REIS, J.

arp/*