

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 02262 of 2017

District : Jalgaon

Shri Purushottam Jamnadas Madhwani,
Age : 50 years,
Occupation : Business,
R/o. 76, Gayatri Nagar, Jalgaon,
Taluka and District Jalgaon.

.. Petitioner
(Original respondent
no.02)

versus

1. Smt. Shudhmati Avinash Patil,
Age : 47 years,
Occupation : Household.
2. Miss. Priya Avinash Patil,
Age : 20 years,
Occupation : Education.
3. Dwarkabai Rajaram Patil,
Age : 82 years,
Occupation : Household.

All R/o. At Post Fekari,
Taluka Bhusawal,
District Jalgaon.
4. Sau. Pritibala Dhiraj Khachane,
Age : 27 years,
Occupation : Household,
R/o. Plot No.5, Gut No.95,
Talele Colony, Juna Khedi Road,
Jalgaon,
Taluka & District Jalgaon.
5. Sau. Kumodini Pravin Ingale,
Age : 24 years,
Occupation : Household,
R/o. Maroti Auto Part,
Plot No.304, Road No.3,
Steele Market, Kolambali,
New Mumbai - 410 218.

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| 6. Shri Dilip Dhondu Patil,
Age : Major,
Occupation : Driver,
R/o. Kingaon,
Taluka Yawal, Dist. Jalgaon,
At present near Ashababa Temple,
Shiv Colony, Jalgaon,
Taluka & District Jalgaon. | .. Respondents
(Nos.01 to 05 -
Original claimants
&
No.06 - Original
respondent no.01) |
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Mr. Vishnu B. Madan, Advocate, for the petitioner.

Mr. S.S. Bora, Advocate, for respondent nos.01 to 05.

Respondent no.06 served (Absent).

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 12TH JUNE 2017

ORAL JUDGMENT :

01. Rule. Rule made returnable forthwith and heard learned advocates for the appearing parties finally with consent.

02. The Writ Petition takes exception to the order dated 20.09.2016 whereunder request of the petitioner under Exhibit 80 to set aside 'no cross' order passed on the very day, has been turned down.

03. It appears that the witness of the respondent was present for cross. Learned Counsel for the petitioner could not remain present during the period witness had been present in the Court. However, soon after he had left the Court premises, an application had been made, as at Exhibit "C" page 20 of the writ petition paper-book, on behalf of the petitioner and the impugned order has been passed.

04. Looking to the proximity of the events occurred, it would be expedient that the Writ Petition be allowed.

05. In the circumstances, in the interest of justice, the impugned order dated 20.09.2016 below Exhibit 80 passed in M.A.C.P. No. 049/2012, by the Motor Accident Claims Tribunal, Jalgaon, is set aside and the application Exhibit 80 is granted.

06. Rule made absolute in the above terms. There shall be no order as to costs.

(Sunil P. Deshmukh)
JUDGE

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