

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

WRIT PETITION NO. 13558 OF 2017

PRASHANT PANDURANG PATIL
VERSUS
RANJANABAI SAKHARAM BORSE AND OTHERS

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Advocate for Petitioners : Mr Patil Paresh B.

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CORAM : V.K. JADHAV, J.
Dated: November 22, 2017

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PER COURT :-

1. I am not inclined to interfere in the impugned order passed by the learned Member of the Motor Accident Claims Tribunal, Jalgaon.

2. It appears that, claim petition is of the year 2012. No-cross order came to be passed on 16.9.2016. Thereafter, on 15.10.2016 petitioner has filed an application Exh.46 for setting aside the "No-cross" order. The learned Member of the Motor Accident Claims Tribunal, Jalgaon, by order dated 25.11.2016 allowed the said application subject to costs of Rs.1,000/-, however, the petitioner has not deposited said cost. Petitioner, after a gap of near about nine months filed the

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application Exh.52 for setting aside the 'No Cross' order and to accept the costs as directed by the Court. While rejecting said application Exh.52, learned Member of the Tribunal has observed that, petitioner neither deposited the costs nor acted diligently to file an application within a reasonable time for depositing the costs and for setting aside the 'No Cross Order'. It has been also observed by the learned Member that, respondent-original claimants have already closed their evidence and even submitted written arguments on record.

3. In view of the same, I do not find any reason to interfere in the impugned order at this stage when the matter is posted today for final arguments. Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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