

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

WRIT PETITION NO. 235 OF 2016

**VIKRAM MAHADEO SHENDGE
VERSUS
ANIL ASARAM SAMDANI AND ANOTHERS**

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Mr.V.P.Sawant, Advocate for petitioner

Mr.M.A.Khan, Advocate for respondent no.1

Mr.R.F.Totla, Advocate for respondent no.2

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CORAM : S.V. GANGAPURWALA, J.

DATE : APRIL 24, 2017

PER COURT :

By the impugned order, the application filed by the petitioner to examine the Investigating Officer has been rejected.

2. Mr.Sawant, learned Counsel for the petitioner submits that the said witness is relevant to prove the case of the petitioner. The proceedings are pending before the Motor Accident Claims Tribunal under Section 166 of the Motor Vehicles Act.

3. Mr.Totla, learned Counsel for respondent no.2 submits that the petitioner is protracting the proceedings only to claim more interest. Even the evidence of the petitioner is closed. The respondent has already given purshis that he does not want to lead further evidence and the respondent has argued the matter. He submits that only because of the petitioner, the proceedings before the Tribunal are protracted.

4. I have considered the submissions. The proceedings before the Motor Accident Claims Tribunal are regarding the welfare legislation. The petitioner/claimant has approached this Court as he wants to examine the Investigating Officer to prove his case. Though it appears that the proceedings before the Tribunal was adjourned because of the petitioner on earlier occasions also, for effective and complete adjudication, one more opportunity deserves to be given to the

petitioner. In normal course, I would have mulct costs on the petitioner, but considering the fact that the petitioner is a claimant, I refrain from imposing costs.

5. In the result, the impugned order is quashed and set aside. The application filed by the petitioner before the Tribunal for examining the Investigating Officer is allowed. The Tribunal shall issue witness summons to the said Investigating Officer. The petitioner shall take humdast, serve the Investigating Officer and examine him.

6. With these directions, present Writ Petition stands disposed of. No costs.

[S.V. GANGAPURWALA, J.]

kbp