

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.34181 OF 2016**

Bharti AXA General Insurance Company Limited

..Petitioner

Vs.

Smt. Prajakta Kulkarni & Anr

..Respondents

Mr. N. Mehta i/b KMC Legal for the Petitioner

Mr. U. B. Nighot for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 3rd FEBRUARY, 2017

P.C.

1 The order dated 10-11-2016 passed by the Learned Member of the Motor Accident Claim Tribunal (MACT), Pune, rejecting the application Exhibit 64 filed by the Petitioner is taken exception to by way of the above Petition. The said application was filed by the Petitioner-Insurance Company for being permitted to lead evidence in the Claim Petition. The said application is rejected on the ground that the application Exhibit 60 for issuing witness summons to the concerned RTO was rejected.

2 The Learned Counsel appearing on behalf of the Respondent No.1 i.e. the Claimant, has no objection to the impugned order being set aside and the Petitioner-Insurance Company being permitted to lead evidence. However, he states that the same may be directed to be done within a particular time frame. In view of the said statement made by the Learned Counsel appearing

for the Respondent No.1, the impugned order dated 10-11-2016 would stand set aside and the following directions are issued :

- (i) The Petitioner Insurance Company would be entitled to lead evidence of the official from the concerned RTO as also leading evidence of its own officer.
- (ii) In so far as the witness from RTO concern is concerned, the said person to be kept present in court on 2-3-2017.
- (iii) The parties to appear before the concern MACT on 8-2-2017 when the Claim Petition is to come up before the Tribunal.
- (iv) The Petitioner may make an application for issuing of witness summons to the official of the concerned RTO. However, his examination would be on 2-3-2017. This direction is issued to see to it that the Claim Petition is decided expeditiously.
- (v) Save and except the aforesaid two witnesses, the Learned Counsel for the Petitioner states that no other witnesses would be examined.
- (vi) The Tribunal after recording of the evidence is complete, may dispose of the Claim Petition expeditiously and not later than 30-4-2017.

3 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]