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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12249 OF 2017

Transport Manager, Thane Municipal Transport Undertaking	...Petitioner
V/s. Bhavana M. Deshmukh & Ors.	...Respondents

Mr.N.R. Bubna for the Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 27TH AUGUST, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 18th August, 2017 passed by the learned Member, Motor Accident Claims Tribunal, Thane, rejecting the application below Exhibit – 53 for recalling the applicant's witnesses and to conduct re-cross examination of the said witnesses.

2. Mr.Bubna, learned counsel for the petitioner submits that relevant questions were not put including the case of the petitioner to the witnesses examined by the applicant by the earlier advocate of the petitioner.

3. A perusal of the impugned order passed by the learned

Member, Motor Accident Claims Tribunal indicates that the petitioner had cross-examined the applicant and their witnesses at great length. After change of advocate, the petitioner applied for recall of those witnesses. The petitioner is delaying filing of the affidavit of evidence of the petitioner. In these circumstances, the learned Member, Motor Accident Claims Tribunal has rightly rejected the application (Exhibit – 53) for recall of the witnesses of the applicant.

4. A perusal of the impugned order indicates that full opportunity was given to the petitioner for cross-examining the witnesses of the applicant. There is no merit in this submission made by the learned counsel for the petitioner. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)