

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

910 WRIT PETITION NO.3424 OF 2019

**PRADIPKUMAR SHRIVALLABH LADDA
VERSUS
DATTA DIGAMBAR JADHAV AND OTHERS**

...
Advocate for Petitioner : Shri Milind K. Deshpande
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CORAM : P.R.BORA, J.

DATE: 12th March, 2019

PER COURT:-

1. The petitioner has challenged the order passed by the Motor Accident Claims Tribunal at Jalna on 02.01.2019 below Exh.32 in Motor Accident Claim Petition No.165 of 2015.
2. The aforesaid application was filed by the original claimant seeking permission to prosecute claim petition through his father since he is unable to attend the Court because of disability incurred to him out of injuries caused due to the alleged accident. The application was opposed by the present petitioner stating that the claimant is very well in a position to attend the Court and he is serving as Receptionist with one Doctor. The learned Tribunal, after having considered the medical report, has allowed the said application. The said order is challenged by the owner of the vehicle before this Court.

3. Heard Shri M.K.Deshpande, learned Counsel appearing for the petitioner submitted that application Exh.32 came to be filed after about three years from the date of filing of the claim petition. The learned Counsel further submitted that if such was the position, aforesaid application must have been filed at the initial stage of the petition. The learned Counsel further submitted the facts as were stated by the claimant were disputed by the present petitioner. The learned Counsel submitted that in such circumstances, the impugned order is unsustainable and deserves to be set aside.

4. I have gone through the impugned order as well as the objections raised by the petitioner in exception to the said order. Nothing has been pointed out by the petitioner as to what prejudice is likely to be caused to him, if the claim petition is prosecuted by the claimant through his father. The Tribunal, in the impugned order, has considered the medical reports of the claimant and after recording its satisfaction that the claimant may not be in a position to prosecute the claim petition at his own, has allowed the claimant to prosecute the same through his father. It does not appear to me that the Tribunal has committed any error in allowing the claimant to prosecute the claim petition through his father. It further does not appear to me that any prejudice would be caused to the present petitioner, if the

claimant is permitted to prosecute the claim petition through his father. There appears no merit in the present petition. It, therefore, deserves to be dismissed and is accordingly dismissed.

(P.R.BORA)
JUDGE

SPT