

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

WRIT PETITION NO. 12166 OF 2018

Shrawani Ravindra Chavan	... Petitioner
Versus	
Tanaji Himmat Bhamre and another	... Respondents
....	
Mr. M. M. Bhokarika, Advocate for petitioner.	
....	

CORAM : M. S. KARNIK, J.

DATED : 8th AUGUST, 2019

PER COURT :-

1. Heard learned counsel for the petitioner. None for the respondents, though they are duly served.

2. The petitioner, through her father and natural guardian filed a claim petition for compensation and damages under the Motor Vehicles Act, 1989. The petitioner-claimant was severely injured in the accident. By an application dated 17th July, 2018 filed below Exhibit-39 the claimant in Motor Accident Claims Petition No.293 of 2015, requested the tribunal to permit her to examine the Doctor and the Accountant. Already the medical bills and relevant certificates were placed on record and even exhibited. The claimant by filing *purshis* had requested to close their evidence. By impugned order dated 17th July, 2018, the

Member, Motor Accident Claims Tribunal, Jalgaon, rejected the application below Exhibit-39.

3. The tribunal observed that the claimant had examined two witnesses, led oral as well as documentary evidence and thereafter filed pursis Exhibit-38 on 26th February, 2018 and closed their evidence. The Tribunal posted the case for evidence of the respondents on 17th March, 2018. The application Exhibit-39 was filed on 17th July, 2018 itself. The petitioner also filed an application Exhibit-40 for production of documents along with list of documents on 19th June, 2018 and the tribunal had allowed the said application and permitted to produce the documents on record. The tribunal observed that under the garb of proving the documents filed by him on 19th June, 2018, the claimant filed application for examination of the Doctor and Accountant. The application was rejected by the tribunal as the petitioner had by filing *purshis* closed their evidence.

4. None has appeared on behalf of the respondents to contest this writ petition, though they are duly served. The entire object of filing a claim petition before the tribunal is to ensure that the claimants receive just and fair compensation. No doubt, by filing *purshis* dated 26th February, 2018, the claimant had closed their evidence. Additional documents at Exhibit-40 were produced on 19th June, 2018 and the

tribunal permitted production of the documents. The respondents were yet to lead their evidence on the date of passing of the impugned order.

5. In my opinion, the fact that the claimant had by a *purshis* closed her evidence would not by itself be an embargo for the claimant to file an application for examining additional witnesses. Allowing the application for examining the witnesses would ultimately assist the Tribunal in reaching to a proper conclusion as regards just and fair compensation. However, it would also be impermissible for the claimant to protract the hearing. The claimant to cooperate with the Tribunal in expeditious disposal of the petition.

6. Considering the factual situation, application Exhibit-39 for examining the Doctor and the Accountant, is allowed. The order passed by the tribunal is therefore, set aside.

7. The writ petition is allowed.

[M. S. KARNIK, J.]

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