

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 355 OF 2019

AGNEL SANTAN ALEMAO @ AGNELO
ALEMAO.,

... Petitioner

Versus

JOSE LOURENCE VAZ AND 2 ORS.,

... Respondents

Adv. Ravi Gawas for the Petitioner.
Adv. Ms. Y. Mandrekar for Respondent no.3.

Coram:- C. V. BHADANG, J.

Date:- 26th July, 2019

Oral order:

On 16/4/2019 a notice for final disposal was issued in this case.

2. I have heard the learned counsel for the petitioner and the learned counsel appearing for the respondent no.3. None appears for the respondent nos.1 and 2, though served.

3. The petitioner, who is the original claimant is challenging the order dated 22/1/2019, by which the evidence of the petitioner has been closed on the ground that the witness had remained absent without having produced any medical evidence to show that the he was unable to move.

4. On hearing the learned counsel for the parties, I find that the petitioner needs to be granted a reasonable opportunity in the interest of fair trial of the petition. It is necessary to emphasize that under section 168 of the Motor Vehicles Act, 1988, the Tribunal is under a statutory duty to decide just compensation payable to the claimant. The petitioner has filed the petition for compensation for injury suffered in a vehicular accident. The learned counsel for the petitioner states that in the event the petitioner is unable to attend the Tribunal for recording his evidence, he will take steps to appoint a commissioner, if so advised. If such an application is filed, the tribunal shall decide the same on its own merits. The petition is allowed. The impugned order is hereby set aside. The petitioner shall prosecute the claim petition with due expedition. The parties to appear before the Claims Tribunal on 16/8/2019 at 10.a.m.

C. V. BHADANG, J.

ap/-