

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1168 OF 2018

NORMARIA VAS.,

... Petitioner

Versus

NAIVEDH SHETKAR AND ANR.,

... Respondents

Shri Shailesh Redkar, Advocate for the Petitioner.
Shri E. Usapkar, Advocate for he Respondents.

Coram:- C. V. BHADANG, J.

Date:- 20th February 2019

P.C.

This petition can be disposed off on a short count. The petitioner who is the original claimant before the Motor Accident Claims Tribunal, is challenging the orders dated 08.10.2015 and 10.04.2017 passed below exhibits 28 and 30 by the Tribunal.

2. The net result is that the second respondent has been dropped from the array of respondents, before the Tribunal on the ground that the petitioner has failed to take steps for her service. It appears that the Bailiff had served a summons in her name by affixing the same on House No.13, Cotto, Amona, Quepem, Goa, which is the last known address as found from the certificate of registration of the vehicle which was thus owned by the second respondent. One Pramila Shetkar, filed an application exhibit

22-D claiming that the second respondent is no more residing with her and left the house many years back. It appears that thereafter again the petitioner was directed to take steps. The petitioner claimed that by a roznama order dated 10.03.2014, the second respondent was held to be duly served and therefore there was no need to serve her afresh. The petitioner by virtue of the application exhibit 28 sought review of the order dated 08.10.2015 directing the petitioner to serve the second respondent afresh and by the application exhibit 30 sought to serve the second respondent again on the last known address i.e. House no.13, Cotto, Amona Quepem, Goa. Both these applications have been dismissed by the Tribunal.

3. I have considered the circumstances and the submissions made. The learned Counsel for the respondents states that the second respondent shall enter appearance before the Tribunal within two weeks. The statement is accepted.

4. In that view of the matter, the impugned order dated 08.10.2015 is hereby set aside. The second respondent shall put in her appearance before the Tribunal within two weeks from today whereupon the Tribunal shall proceed to decide the Claim Petition on its own merits and in accordance with law.

5. Parties to appear before the learned Tribunal on 06.03.2019 at 10.00 a.m.

C. V. BHADANG, J.

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