

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.217 OF 2019

(SHRIRAM GENERAL INSURANCE CO. LTD...VS.. SUNITA VIJAY WANKHEDE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Jaiswal, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 18, 2019.

Heard.

The petitioner Insurance Company failed to file its reply/written statement in spite of several opportunities granted by the Motor Accident Claims Tribunal. The Tribunal directed that the matter to proceed *exparte* against the Insurance Company. Then the petitioner/ Insurance Company filed application on 20th July 2016 praying that the order passed by the Tribunal directing that the claim petition to proceed *exparte* against the Insurance Company be set aside. This application is rejected by the impugned order dated 17th August 2016. The petition is filed on 29th August 2018 i.e. after more than two years. Before this Court also the petitioner/ Insurance Company has not shown diligence in prosecuting the matter. The claimants before the Tribunal are widow, minor children aged about 8 years, 6 years and 4 years, and old parents of the deceased.

The conduct of the petitioner/ Insurance Company is writ large on record.

It cannot be said that the Tribunal has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

The writ petition is **dismissed**.

If the claim petition before the Tribunal is got adjourned by the Insurance Company on the ground that it intends to challenge the impugned order or on the ground that this writ petition is pending, the petitioner-Insurance Company shall pay Rs.Ten Thousand per adjournment. The Tribunal shall ensure that the amount is recovered from the Petitioner/ Insurance Company within one month.

The Tribunal is directed to dispose the claim petition within three months from today.

The Insurance Company is directed to place copy of this order on record of the claim petition and file affidavit of compliance on record of this petition within 15 days.

JUDGE

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