

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

FIRST APPEAL NO.571 OF 2019

(Smt.Sneha wd/o. Pandurang Sahare .vs. Pankaj Ashokkumar Bhutani and Ors.)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.R.Wagh, Advocate for the appellant.

CORAM : M. G. GIRATKAR, J.

DATE : 12.2.2020.

Heard Mr.A.R.Wagh, learned Counsel for the appellant. None appears for the respondents.

The appellants had filed Claim Petition under Section 166 of the Motor Vehicles Act, which was registered as M.A.C.P. No.39 of 2009. It was pending before the Motor Accident Claims Tribunal, Bhandara. As per the submissions of Mr.A.R.Wagh, learned Counsel for the appellant, learned Counsel appearing for the appellant before the M.A.C.T., Bhandara did not inform about progress of the matter and remained repeatedly absent before the Tribunal and therefore, the petition was dismissed under Order IX, Rule 5 of the Code of Civil Procedure.

Mr.Wagh, learned Counsel further submits that the appellants shall not suffer for the fault of their Counsel. He has pointed out decision of the High Court of Orissa in the case of **Rajendra Narayan Sahu .vs. Bijaya Kumar Nanda and another** reported in 1999 LawSuit(Ori) 347. Provisions under Sections 163 and 166 are beneficial legislation. Those are summary proceedings to be decided by the Claims Tribunal as

early as possible so as to give solace to the dependents of deceased. Looking to the submission of learned Counsel Mr.Wagh that the claimants have a good case on merits, the appeal is allowed.

The impugned Judgment and order passed by the M.A.C.T., Bhandara dismissing the Claim Petition (M.A.C.P.) No.39 of 2009 is hereby quashed and set aside. The Claim Petition is restored on the file of M.A.C.T., Bhandara.

The appellants are directed to appear before the M.A.C.T., Bhandara on 16.3.2020.

The Motor Accident Claims Tribunal, Bhandara is directed to give an opportunity to the appellants for service of notice to the respondents and decide the Claim expeditiously.

JUDGE

**ssjaiswal*