

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 **WRIT PETITION NO.7066 OF 2021**

ICICI LOMBARD GENERAL INSURANCE
COMPANY LTD THR ITS BRANCH MANAGER .. PETITIONER
VERSUS
JYOTI GANESH CHAVAN AND OTHERS ..RESPONDENTS

...
Advocate for Petitioner : Mr. S.G. Chapalgaonkar
...

CORAM : SANDEEP K. SHINDE J.
DATE : 29TH JUNE, 2021

PER COURT :-

1. Heard Mr. Chapalgaonkar, learned counsel for the petitioner.
2. In Motor Accident Claim Petition No. 228 of 2015, pending on the file of Motor Accident Claim Tribunal at Parbhani, the petitioner-insurance company, respondent before the Motor Accident Claims Tribunal, Parbhani, to substantiate its defence, sought summons to a police constable. On 5th March, 2020, summons was re-issued, but service report was not received.
3. Pending, service report the learned Member of the Motor Accident Claim Tribunal, Parbhani posted the claim petition No. 228 of 2015 for final arguments. It is, therefore, submitted that petitioner's right to examine the defence witness has

been foreclosed by the learned Member of Motor Accident Claim Tribunal.

4. This being 'material' irregularity and not mere irregularity, interference in supervisory jurisdiction is called for.

5. In view of the facts stated above, the learned Member Motor Accident Claims Tribunal at Parbhani shall secure the presence of the police constable in accordance with law, preferably within a period of four weeks from the receipt of this order. Till then, the learned Member Motor Accident Claims Tribunal, Parbhani shall not proceed with the Motor Accident Claim Petition No. 228 of 2015. Once the presence of the constable is secured, the Member of Motor Accident Claim Tribunal, Parbhani shall afford an opportunity to the petitioner-insurance company, to lead the evidence in accordance with law.

6. The petition is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)