

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1085 OF 2021

Mozzam Aziz Shaikh

..APPELLANT

VERSUS

Lahu Harishchandra Zarkar

..RESPONDENT

....
Mr. A.M. Reddy, Advocate for appellant
Mr. G.J. Pahilwan, Advocate for respondent
....

**CORAM : R.G. AVACHAT, J.
DATED : 13th DECEMBER, 2021**

PER COURT :

1. Learned counsel for the appellant is permitted to place on record a set of documents.
2. Heard.
3. The appeal takes exception to the order rejecting application under Section 140 of the Motor Vehicles Act. It is informed that recording of evidence in the claim petition has commenced. If this appeal is dismissed for one or other reason, that will mark the precedent in the appellant's main claim petition before the Tribunal. It is, therefore, desirable as has been agreed by learned counsel for the parties just to upset the order passed by the Tribunal and direct it to decide the same alongwith main claim petition.

4. In view of same, following order :-
- (i) The appeal is partly allowed.
 - (ii) The order rejecting the application under Section 140 of the Motor Vehicles Act is set aside.
 - (iii) The Tribunal shall decide the said application alongwith main claim petition expeditiously.

(R.G. AVACHAT, J.)

SSD