

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1740 OF 2022

JAISHRI GAJANAN DOLE AND OTHERS
VERSUS
SUNIL DIGAMBER GABANE AND ANOTHER

...
Advocate for Petitioners : Mr. Pavankumar Agrawal

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th APRIL, 2022

ORDER :

1. The petitioners are aggrieved by the order passed by the learned Member, Motor Accident Claims Tribunal, Parbhani, thereby rejecting the application of the Petitioners seeking reopening of petitioner's evidence. The said application is rejected by the Tribunal holding that the application is vague and it is not mentioned in the application that which witness they want to examine. Since the matter is pending since 2015 and sufficient chances are given to the petitioners to lead evidence, the evidence of the petitioners is closed on 20.12.2018 and the application is filed in March-2021, the Tribunal therefore, held that the petitioner is interested in prolonging the

matter.

2. It is true that the application filed by the petitioners is as vague as it could be. No proper details are given by the petitioners in the said application. In that view of the matter, the Tribunal was justified in rejecting the said application. However, in the facts of the present case and taking into consideration the fact that the Tribunal is considering the claim petition of the petitioner which is filed under beneficial legislation, fair opportunity need to be given to the petitioners to lead their best possible evidence. In that view of the matter, if proper application is filed by the petitioners by giving details as to why they want to reopen their evidence and which witness they intend to to examine, the said application shall be considered by the Tribunal on merits. By granting opportunity to the petitioners to prefer said application within two weeks from today. The writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE