

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

WRIT PETITION NO. 9092 OF 2013

The National Insurance Company

...Petitioner

Versus

Smt. Vidyavati w/o Mohan Sutar & Ors.

...Respondents

.....

Shri. Sudhir V. Kulkarni, Advocate for the petitioner

Shri. Y. P. Jadhav, Advocate for respondent nos. 1 and 2

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : MARCH 29TH, 2022

PER COURT : -

1. The Member, Motor Accident Claims Tribunal, Omerga had rejected an application by the Insurer seeking permission to file written statement on record mainly on the ground that the application was neither signed nor supported with an affidavit. An *ex parte* order was passed on 13.06.2012. Thus, what weighed with the Tribunal is a delay of six months in filing the application seeking permission to file written statement on record. By another order dated 08.07.2013, civil application came to be rejected and, therefore, the Insurer is before this Court invoking supervisory jurisdiction of the High Court.

2. Despite service, none for respondent no. 3.

3. The learned counsel for respondent nos. 1 and 2, who are original claimants and the parents of the deceased, strongly argues to impose costs of Rs. 50,000/-, as, according to him, an impression was created before the Tribunal that the matter has been stayed by this Court.

4. Having considered the respective submissions at bar, it would not be in the interest of justice to keep the enquiry before the Motor Accident Claims Tribunal pending for such a long period as the basic object of the enactment is to provide compensation to the next of kin and kith of the deceased. The deceased was a young boy of 19 years, whose parents/respondent nos. 1 and 2 have been deprived off the relief of compensation for such a long period.

5. In view of the aforesaid circumstances, the impugned orders dated 19.03.2013 and 08.07.2013 passed by Motor Accident Claims Tribunal, Omerga, are quashed and set aside subject to costs of Rs. 10,000/- to be deposited by the petitioner-Insurer before the Motor Accident Claims Tribunal within three (03) weeks from today.

After depositing the costs, the written statement shall be taken on record. The learned Tribunal shall expeditiously dispose off the Claim Petition within a period of six weeks from the date of filing of the written statement. The petitioner and the respondents shall cooperate in disposing off the Claim Petition without seeking any adjournments.

6. The petition stands disposed off in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN]
JUDGE