



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4685 OF 2024

Kirti Shivkant Yangunde And Others
VERSUS
Shivraj Basavraj Swantkar And Another

- Mr. V. B. Dhage, Advocate for the Petitioners
- Mr. S. S. Rath, Advocate for the Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : NOVEMBER 13, 2024

PER COURT :

1. This Petition takes exception to order dated 15.06.2023 passed in STAMP No. 30/2023 by MACT at Biloli. The impugned order reads thus:

Perused the record. The petition has been filed on 09.03.2023. At that time an application was submitted and time was sought to place on record Form No. 54. Accordingly, time was granted till 28.03.2023. However, till this date, such Form No. 54 has not been placed on record. It appears that the applicants are not interested to prosecute the claim. Therefore, there is no option than to dismiss the Petition. Hence, I proceed to pass the following order-

O R D E R

The petition is hereby dismissed for want

of prosecution.

2. Learned Counsel for the Petitioner submits that there cannot be dismissal of the claim petition for not furnishing Form No. 54 along with Petition as it is the duty of the investigating agency to furnish information to the Tribunal.

3. Learned Counsel for Respondent No. 2 opposed the Petition.

4. Even if it is accepted that there was no response of the claimants to submit Form No. 54 it is obligation of the investigating agency to produce Form No. 54 under Motor Vehicles Act, the same before the Tribunal. Therefore, dismissal of the claim Petition on this ground is wholly unjustified. Hence, Petition stands allowed in terms of prayer clause 'B'.

(R.M. JOSHI, J.)