



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

921 WRIT PETITION NO. 10218 OF 2022

Preeti Maheshkumar Dhyani And Others

VERSUS

Chandradhar Ramasharya Shukle And Another

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Advocate for the Petitioner : Mr. Gangakhedkar Shailendra S.

Advocate for Respondent No.1 : Mr. A. A. Puranik

Advocate for Respondent No.2 : Mr. M. R. Deshmukh

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CORAM : R. M. JOSHI, J.

Dated : July 05, 2024

PER COURT :-

1. This petition takes exception to the order dated 16/07/2022 as well as 27/11/2019, passed by Motor Accident Claim Tribunal, Osmanabad.
2. Perusal of the record and submission made across the bar shows that this is not the case wherein the claimants have not taken any steps in order to secure presence of the witnesses. Needless to say that the presence of the witnesses cannot be secured without assistance of the Court. In case summons is served, it is for the Tribunal to issue warrant against such witness if any application is filed to that effect. Application below Exhibit 45 indicates that such request is made however, the order of reissue of summons was passed. This indicates that the claimants are taking steps for the purpose of leading evidence.
3. In considered view of this Court, Tribunal was not justified in closing the evidence merely because the proceedings are pending since

2018. Hence, order dated 16/07/2022 is hereby set aside. Claimants are permitted to lead evidence.

4. The order passed rejecting the application for appointment of Court Commissioner is of year 2019 and at this belated stage this Court is not inclined to cause any interference therein.

5. Hence, the petition stands partly allowed.

(R. M. JOSHI, J.)

vj gawade/-.