IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11335 OF 2024

Saudagar Babaso Patil and Ors. ***...Petitioners***

V/s.

Santosh Rajaram Khilari and Ors. ***...Respondents***

Mr. Wasim N. Samlewale *i/b. Mr. Tejpal Ingale for the Petitioners.*

CORAM : SANDEEP V. MARNE, J.
Dated : 18 February 2025.

P.C. :

1) Heard the learned counsel appearing for the Petitioners.

2) The Tribunal has criticised the approach of the Petitioners in deliberately creating hurdles in decision of the claim by repeatedly filing Applications one after the other. In ordinary circumstances, this Court would have been loath in interfering in the impugned orders. However, it appears that by order dated 31 May 2024 passed on Application at Exhibit-114, the Tribunal has discarded the defence of the Petitioners. Since the order of striking off the defence could have drastic consequences on decision of claim *qua* the Petitioners, this Court is inclined to entertain the present Petition by issuing notice to

MEGHA SHREEDHAR PARAB
Digitally signed by MEGHA SHREEDHAR PARAB
Date: 2025.02.20 16:38:09 +0530

the Respondents. At the same time Petitioners are responsible for creation of situation in which the Tribunal was compelled to pass order dated 31 May 2024. In that view of the matter Petitioners shall deposit an amount of Rs.50,000/- within a period of one week before the Tribunal towards the possible costs that may be imposed on them in the event of Petition being allowed.

3) Issue notice to the Respondents, returnable on **8 April 2025.** In addition to Court notice, Petitioners to serve Respondents by private service and file affidavit of service.

4) Till the next date of hearing the proceedings of Motor Accident Claim Petition No.174 of 2017 shall be kept in abeyance.

[SANDEEP V. MARNE, J.]