



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6866 OF 2025

ICICI Lombard General Insurance Co. Ltd., Through its Branch Manager
Vs.
Sneha Wd/o. Mahendra Sepurwar and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.D. Bhuihar, Advocate for the Petitioner.
Mr. R.M. Tahaliyani, Advocate for the Respondent Nos.1 and 2.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 04th MARCH, 2026

1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. By this petition, the petitioner has challenged the Order dated 04.09.2025 passed by the Member, Motor Accident Claims Tribunal, Chandrapur in Motor Accident Claim Petition No.148/2021 thereby, rejecting the application at Exh.66 for issuing witness summons.
3. The petitioner-Insurance Company is the non-applicant No.2 in the Motor Accident Claim Petition. At the stage of evidence, the non-applicant No.2 filed an application at Exh.66 seeking issuance of the witness summons to two witnesses namely Sandip Rajkumar Chatri and Sandip Bhivsen Gaikwad. The said application came to be rejected by the impugned order, which is subjected to challenge by way of the instant petition.
4. The short controversy involved in the present matter is about the entitlement of the Insurance Company

to examine the witnesses in support of its contentions. The Tribunal has rejected the application by primarily observing that the non-applicant No.2 i.e. the petitioner herein has already examined the Investigating Officer of the criminal case, who has admitted the accident and therefore, there is no necessity to permit the examination of any other witnesses.

5. A perusal of the application filed by the non-applicant No.2 reveals that two witnesses sought to be examined namely Sandip Kumar Chatri and Sandip Bhivsen Gaikwad, are alleged to be eye-witnesses to the accident and are material witnesses. Considering the defence set-up by the Insurance Company denying the factum of accident, the non-applicant No.2-Insurance Company is entitled for an opportunity to prove the factual aspects relating to the actual accident and denying of such an opportunity even to examine the witnesses, is a pedantic approach.

6. Advocate Mr. Tahaliyani Learned counsel for the respondent Nos.1 and 2 fairly submits that the petitioner is entitled for an opportunity to examine the witnesses, who would thereafter be subjected to the cross-examination before the Tribunal.

7. In view of above, in order to grant an opportunity to the petitioner (non-applicant No.2 before the Tribunal) to examine the witnesses, I pass the following Order :-

ORDER

- i. The Writ Petition No.6866/2025 is **allowed**.
- ii. Order dated 04.09.2025 passed by the Member, Motor Accident Claims Tribunal, Chandrapur in

Motor Accident Claim Petition No.148/2021 is quashed and set-aside.

iii. Application filed by the non-applicant No.2 at Exh.66 is **allowed**.

iv. Motor Accident Claims Tribunal, Chandrapur is requested to decide the claim petition expeditiously.

v. The writ petition is **disposed of**. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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