

ORDER BELOW EXH. 1
IN
M. A. C. P. NO. 320 OF 2015.

1. The present claim petition is preferred by the minor petitioner viz. Yarkhan Ismile Khan Pathan through his father and natural guardian Shir Imsmile Khan Nirzamankhan Pathan under the provisions of Sec. 166 of the M. V. Act for receiving compensation for the sum of Rs. 2 Lakh from the respondent. But during the pendency of the present claim petition, the Ld. Advocate for the petitioner vide pursish Exh. 7 declared that the petitioner of the present claim petition neither providing necessary documentary evidence to be placed on record nor approaching him and this conduct of the petitioner clearly shows that the petitioner of this claim petition is not inclined to proceed with the present claim petition at this juncture and therefore, the Ld. Advocate for the petitioner vide this pursish has prayed to consider the present claim petition as withdrawn with a condition to reserve his right to file restoration of the present claim petition in future.
2. This tribunal has gone through the above pleadings and contents of the pursish and from the record, it clearly

appears that since 2015 the present claim petition has pending and no documents relating to the accident and/or injuries etc. has been placed on record and thus, considering the contents of the pursish filed by the Ld. Advocate for the petitioner at Exh. 7, the Ld. Advocate for the petitioner is required to be permitted to withdraw the present claim petition with a liberty to file either afresh petition or to restoration application to restore the present claim petition. Thus, in view of the above, following order is passed.

O R D E R

- *. The present Macp No. 320 of 2015 stands as withdrawn in view of the Pursish at Exh. 7 filed by the Ld. Advocate for the petitioner and the Ld. Advocate is hereby permitted to withdraw the present claim petition with a liberty either to file afresh claim petition or to file restoration application to restore the present claim petition.
- *. No order as to costs.

Pronounced in the open Court on this 8th day of December, 2018 at Ahmedabad [Rural] at Mirzapur.

**[Prakashkumar A. Patel]
UIC No. GJ0412
Additional District & Sessions Judge
Ahmedabad [Rural] at Mirzapur**