

MHAH070001772022



: Order below Exh.25 in M.A.C.Petition No. 22/2022 :

Indubai Rankrushna Kasar

Vs.

Ramesh Damodhar Gunjal & Anr.

Perused the third party application and say of original applicant. Heard both the parties. Application is filed by third party namely Mangal Ramesh Gunjal contending that opponent no.1 is her husband and mentally disabled. Her interest is not adverse with him. She has prayed to appoint as his guardian/next friend to defend opponent no.1. The applicant has opposed the application alleging that averments in the application are false. The certificate attached to the application show that disability is temporary in order to prolong the hearing application is filed. Hence, it is prayed to reject it.

2. The applicant has filed Motor Accident Claim Petition under Section 166 of Motor Vehicles Act. Opponent no.1 has appeared through his advocate. By filing this application it is submitted that he is mentally disabled. The application is supported by disability certificate issued by District Civil Hospital, Ahmednagar. It shows that it is valid till 26/07/2028. Thus, it can be said that at present opponent no.1 is suffering from mental illness. It is therefore, necessary to allow present third party applicant to act as his next friend to defend in the matter. The application is therefore, allowed. Third party Mangal Ramesh Gunjal is permitted to act as next friend of opponent no.1.

Date : 09.07.2024.
Ahmednagar.

(M. M. Shaikh)
Mediator Judge,
Member, M.A.C. Tribunal,
SANGAMNER.