

**MACP No.144/2011**

(CNR No. MHAK010009322011)

**Nilesh .V. Gowardhan +1**

**ORDER BELOW EXHIBIT-49**

(Passed on 8<sup>th</sup> March, 2021)

**1]** Though the matter repeatedly called out even after recess but neither the Claimant nor his Counsel remained present. So also, the Respondents and their Counsel absent.

**2]** On face of record, it appears that, on 16.07.2011, the Claimant has instituted claim petition under Section 166 of Motor Vehicle Act, 1988 and claimed compensation on account of sustaining permanent disability due to occurrence of accident on 3.03.2010 at Manmodi bridge, Lotwada to Sukali Road, at about 19.00 hours and during pendency of claim petition on 15.12.2018, the Claimant has filed Exh.49 an application for permission to amend the petition. Accordingly, on 15.12.2018, this Court passed order below Exh.49 and issued notice to the proposed Respondents 3 to 6. Accordingly, the proposed Respondents 3, 5 and 6 are served but the proposed Respondent No.4 Irfan Khan s/o Baba Khan not served till date and the Claimant has not made any effort to serve the proposed Respondent No.4 though sufficient opportunity has been granted. Therefore, to my mind the Claimant is not diligent while pursuing Exhs.49 and the matter is pending since last near about 10 years. Under these circumstances no option left with this Court except to reject the application as against the proposed Respondent No.4. Accordingly, I proceed to pass following order:

..2..

**ORDER**

**i]** Exhibit-49, an application for amendment and impleading party to the claim petition of proposed Respondent/Non-applicant No.4 Irfan Khan s/o Baba Khan, is hereby rejected.

Dt. 8.03.2021  
Akola

(Y.G.Khobragade)  
Chairman, MACT

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**CERTIFICATE**

**I hereby certify that, the contents of this PDF  
File are same word for word as per original order.**

**[1] Name of Steno: Shailesh R Allap**  
**[2] Court's name : Court of Principal District &  
Sessions Judge, Akola**  
**[3] Date : 08.03.2021**  
**[4] Signed by PO on: 09.03.2021**  
**[5] Uploaded on : 10.03.2021**