

MHNG010115102019



**BEFORE THE CHAIRMAN, MOTOR ACCIDENT CLAIMS
TRIBUNAL, NAGPUR AND PRINCIPAL DISTRICT JUDGE,
NAGPUR**

[Presided over by Dinesh P. Surana]

M.A.C.P. No.1165 of 2019

Prakash Raghunath Kanfade & Ors.

--Vs. ---

The New India Assurance Co. Ltd. & Ors.

ORDER BELOW Exh.70

[Passed on 20.03.2026]

By this application, request is made to set aside the no cross order and permission to cross-examine the witness RW-1 Mr. Rajesh Rawale, for the respondent insurance company.

2] Applicant contended that the counsel for petitioner was unable to present in the matter on last date, as he was engaged in final rituals of his uncle at Akola.

3] The application is vehemently opposed by the respondent insurance company.

4] The evidence affidavit Exh.64 of RW-1 was filed on 05.02.2026. He was cross-examined by the respondent Nos.3 and 4. On the request of advocate for petitioner, the matter was kept for cross-examination of RW-1 on 25.02.2026. However, on 25.02.2026, too the

[2]

petitioner filed adjournment application. Thereafter, on 12.03.2026 witness was present, but the petitioner or his counsel was absent. No reason is mentioned for the petitioner to remain present on the said date to inform the Court about the difficulty of his counsel.

5] The record shows that there is apparent delay and laches on the part of the petitioner. The application is filed today after the arguments of respondents No.3 and 4 were heard and the respondent insurance company was ready with the written notes of arguments. However, in the interest of justice, application deserves to be allowed subjectively. In the result, I proceed to pass the following order.

ORDER

- 1] Application Exh.70 is allowed.
- 2] The petitioner is permitted to cross-examine the witness RW-1 Rajesh Rawale.
- 3] The delay and laches on the part of the petitioner will be considered while awarding interest, if any, on the amount of just compensation awarded, if any, in favour of the petitioner.

Nagpur.
Date : 20.03.2026

[Dinesh P. Surana]
Chairman, M.A.C.T. and
Principal District Judge, Nagpur.

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CERTIFICATE

I affirm that the contents of this PDF file of the order are word-for-word, as per the original order.

Name of Ajay P. Bothe
Stenographer
Grade I