

MHNG010122622017



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

[Presided over by Dinesh P. Surana]

M.A.C.P. No. 1152 of 2017

Shelton S/o Krushna Wadibhasme

--Vs. ---

The Manager, ICICI Lombard General Ins. Co. Ltd. + 3 others

Common Order below Exhs.1 & 92

[Passed on 02.02.2026]

Claim is of 2017. It is fixed for final arguments. The respondent No.1 had already filed their written notes of arguments along with list of citations.

2] By way of application Exh.92, petitioner again want to examine Managing Director of the respondent No.3 – owner of the offending truck. The reason mentioned in the application for examining him is that, the petitioner was under *bona fide* impression that the respondent No.3 would lead evidence and place the original documents on record to clarify whether the registration number of the said truck is GJ-03/Y-9932, or GJ-03/W-9932, or whether those are two different vehicles, or whether there is typographical error in the insurance policy, or the RTO registration papers.

3] As per the petitioner, new registration number of the truck was GJ-03/Y-9932. The respondent No.4 in their written statement Exh.27 dated

[2]

11.02.2020, the copy of which was received by the present applicant/petitioner too on the same day, in para No.3, has specifically mentioned that the truck bearing registration No. GJ-03/Y-9932, was not insured with them, but the vehicle bearing registration No. GJ-03/W-9932, owned by the same respondent No.3, was insured with them. Thereafter, petitioner has closed his evidence. For and on behalf of the respondent No.4, evidence affidavit Exh.86 was filed on 09.10.2025, copy of which was received by the petitioner on the same day, with list of documents Exh.87, attached with copy of policy of insurance Exh.90 for the insured vehicle having registration No. GJ-03/W-9932. Therefore, contention of the petitioner on the face of record seems to be incorrect. Petitioner cannot wait for the respondent to examine the witness, to clarify the aspect, while his turn to lead evidence was there, waiting for the respondent No.4 to examine their witness/es. Though evidence affidavit Exh.86 was not pressed by the insurance company, but still it was the petitioner, who on his own perils, has closed his evidence prior to the case was fixed for the evidence of the respondents. Therefore, there is apparently delay and latches on the part of the petitioner. However, this aspect, which petitioner want to clarify, is required to be given chance to be clarified to the petitioner, as the claim petition being a beneficial legislation. The petitioner could have clarified such aspect by procuring the documents from the concerned RTO offices. No doubt, that Adv. Verma has made statement that he had already applied for getting the certified copies, which according to him is under process, but still, for that too, there is delay and latches on the part of the petitioner.

4] On perusal of the written statement of the respondent No.3, it seems that he has kept mum as regard to the said aspect is concerned. Therefore, in the interest of justice, application deserves to be allowed, but subject to costs on account of such delay and latches on the part of the petitioner. As such, following order is passed.

ORDER

- (i) Application Exh.92 is allowed subject to costs of Rs.2,000/-, to be deposited by the petitioner, with the office of District Legal Services Authority, Nagpur.
- (ii) Issue witness summons to the respondent No.3.

Nagpur.
Date : 02/02/2026

[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 P. D. F. file of Order are word to word, as per original Order.

Name of Stenographer : Prashant P. Yenurkar
(Grade-I)