

MHST010010512022



**Order Below Exh. 36 in MACP No. 97/2022
(Sagar Khandekar & Ors. Vs. Hanif Patel & Ors.)**

01. In the instant application, the claimant has prayed for permission to set aside the order of “No Evidence” and for permission to adduce evidence.

02. Mr. H. V. Veer, Ld. Counsel for the claimant, submitted that on 20/01/2026, the counsel for the claimant was absent. The witnesses had difficulty in remaining present in the court. This court closed the right of the claimant to adduce evidence. Hence, the said order be set aside and permission be granted to the claimant to adduce evidence.

03. Per contra, Mr. S. B. Govekar, Ld. Counsel for the respondent No. 2, submitted that in the present case, issues have been framed a long time ago. The case is pending since a long time. The claimants are prolonging the matter. The claimants may be intending to get more interest in case of an award in favour of the claimants, and he prayed to dismiss the application.

04. I have considered the submissions and perused the record. The present claim petition is filed under the provisions of the Motor

Vehicles Act, which is a beneficial and social welfare legislation. The parties should not be non-suited on account of procedural lapses, particularly when compensation is claimed. The claimant has expressed readiness to adduce evidence, and the respondents will have full opportunity to cross-examine the witnesses. No serious prejudice will be caused to the respondents if one more opportunity is granted. In the interest of justice, the application deserves to be allowed.

05. Accordingly, the application is allowed. The order dated 20/01/2026 forfeiting the right of the claimant to adduce evidence is hereby set aside. Permission is granted to the claimant to adduce evidence.

Satara.
Date : 16.02.2026.

(S. R. Tamboli)
Member, M.A.C.T.
Satara.