

BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL, KELAPUR
(Presided over by P. B. Naikwad)

O R D E R BELOW EXH.39
IN
M.A.C.P.No. 79/2016
(CNR No.: MHYA080006022016)

1] Perused the application. Heard both learned counsels.

2] Applicant has filed the present application for appointment of court commissioner, as per Order 26 Rule 1 and 4 of C.P.C. to record evidence of Dr. Javed Saudagar, R/o. Yavatmal, as he is unable to attend the court. Learned counsel submitted that, Adv. Akash Pimple, is ready to act as court commissioner. Learned counsel for respondent No.3 opposed the said application, however he submitted that, suitable order be passed.

3. Having regard to the submissions made by both learned counsels and considering the material on record I found that, for evidence of doctor matter is pending since long. The case is of the year 2016. Therefore, it is necessary to decide the same at earliest . However, for want of evidence of doctor the same is pending. Therefore, considering these facts and the provision of order 26 , rule 1 and 4 , application needs to be allowed. Therefore, I pass the following order.

O R D E R

1] Application is allowed.

2] Adv. Akash Pimple, is hereby appointed as Court commissioner to record evidence of the Dr. Javed Saudagar, R/o. Yavatmal.

- 3] He is directed to issue notice to both parties and witness fixing date for recording evidence of the witness, so also the place.
- 4] The disability certificate be made available to advocate for petitioner, so as to carry and produce the same at the time of recording evidence.
- 5] The Commissioner is directed to submit his report alongwith evidence recorded as per order in court.
- 6] Petitioner shall deposit Rs.2,500/- in court towards commissioner fee. On submission of report, the said Commissioner fee be paid to Adv. Akash Pimple.
- 7] Junior Clerk Mr. Umare is authorized and directed to take the record of said case for recording evidence of doctor and to assist court commissioner in recording the same. Applicant shall pay the Bhatta and process for the same.
- 8] Issue writ to that effect after depositing the commissioner fee in court.

Date : 19-11-2021.

(P. B. Naikwad)
Member, M.A.C.T.,
Kelapur, Dist. Yavatmal.