

IN THE COURT OF DISTRICT JUDGE-V
CUM
MOTOR ACCIDENT CLAIM TRIBUNAL-V, JAMUI

Misc. Petition No. 07/2026

(Arising out of M.A.C.T. Claim Case No. 67/2016)

Malti Devi & Others ...Claimants/Petitioners

Versus

Shibu Yadav & Others ...Opposite Parties

Date of Order: 26/05/2026

ORDER

Heard learned counsel for the petitioners/claimants on the Miscellaneous Petition filed under Order 9 Rule 9 read with Section 151 of C.P.C. for restoration of Claim Case No. 67/2016, which was dismissed for default on 07.01.2026, along with an application under Section 5 of the Limitation Act for condonation of delay of 10 days in filing the restoration petition.

It appears from the record that the claim case was dismissed for default on 07.01.2026 due to the non-appearance of the claimants and their counsel. The claimants have filed the present restoration petition along with a delay condonation application explaining that the delay of 10 days occurred because the claimants had gone out of Jamui to another state for livelihood purposes and could not be contacted in time. It is further submitted that the advocate-clerk of the case received wrong information that all MACT claim cases had been transferred to Bihar Motor Vehicle Accident Claim Tribunal, Munger, which caused the non-appearance.

Considering the explanation offered for the delay, the court is satisfied that sufficient cause has been shown for the delay of 10 days in

filing the restoration petition. Accordingly, the delay of 10 days in filing the restoration petition is hereby condoned.

As regards the restoration petition, considering the facts and circumstances of the case, this court is of the view that the claimants deserve an opportunity to be heard on merits so that they are not deprived of their legitimate right to pursue their claim. The dismissal order dated 07.01.2026 is hereby set aside.

M.A.C.T. Claim Case No. 67/2016 is hereby restored to its original number and position, subject to payment of a cost of Rs. 3,000/- (Rupees Three Thousand only) by the claimants/petitioners to be deposited in the court within 30 days from the date of this order.

In case the cost is not deposited within the stipulated period, the restoration petition shall stand dismissed automatically without further notice.

(Dictated and pronounced in open court)

DISTRICT JUDGE-V
Cum Motor Accident Claim Tribunal-V, Jamui
Date: 26/05/2026.