

MACT NO. 30/17
KAVITA SHARMA VS. HARSH

03.06.2026

Present : Ms. Kanta Choudhary, Ld. Counsel for petitioner.
Mr. Vishwanath Pratap Singh, Ld. Counsel for respondent
no. 1 along with respondent no. 1 in person.
Mr. Praveen Arya, Ld. Counsel for respondent no. 2.
Respondent no. 2 through VC.

Applications of respondents under Order 9 Rule 7 CPC
and under Section 5 of the Limitation Act are taken up for
consideration.

By these applications, the respondents seek setting aside
of ex-parte order dated 25.05.2022 passed against them. It is
submitted by Ld. Counsels that the respondents were never aware of
the proceedings before this Tribunal. It is submitted that being laymen,
they were under the impression that the proceedings before the
concerned Magistrate and proceedings before this Tribunal are one
and the same. It is submitted that the case before the Ld. Magistrate
commenced in the year 2015 and the present case started in the year
2018. It is submitted that the respondents thought that the criminal
case has got transferred from the Ld. Magistrate to this Tribunal.

Applications have been opposed. It is pointed out that the
respondents and their counsels entered appearance before this Tribunal
in the year 2018 and thereafter, stopped appearing.

Arguments have been heard and record has been perused.

There is no gainsaying the fact that the respondents and their counsels entered appearance before this Tribunal in the year 2018 itself. However, Ld. Counsel for respondents have submitted that the counsels who appeared for the respondents never informed the respondents that the present case is different from the criminal case.

What is significant to note in the present case is that copy of DAR and the petition were never supplied to the respondents. Since copies were never supplied to the respondents, the respondents could not have been expected to file reply.

Another lapse noticed is that evidence of PW1 was recorded even before issues were framed.

This Tribunal is of the view that efforts should be made to decide cases on merits by permitting the respondents to participate in the proceedings.

In case they are not permitted to participate, they may suffer irreparable injury since it may put a quietus on a valid defence. On the other hand, the purpose of the petitioner can be served by giving short dates and expeditiously deciding the present case.

Applications of the respondents are allowed. Delay in filing of applications for setting aside ex-parte order is condoned. Ex-parte order is set aside.

Ld. Counsel for petitioner undertakes to provide copy of DAR and of the claim petition to the Ld. Counsels for respondents. Let the same be done within 10 days from today and against acknowledgment.

Let reply be filed within 30 days from receiving copy of the DAR and claim petition and after supplying advance copy to Ld. Counsel for petitioner.

To come up for framing of issues on 23.07.2026.

It is made clear that no adjournments will be granted to the respondents and efforts will be made to decide the present case at the earliest since it has been pending since many years.

(Shirish Aggarwal)
Judge/ PO, MACT-01
New Delhi, 03.06.2026