

3 MACT 448/23

KM. KIRAN PANDEY AND ANR Vs. DILEEP KUMAR

YADAV AND ANR

02.09.2024

Present:- Sh. Akhilesh Kumar, Ld. counsel for the petitioner.
Sh. Amit Kumar Rohila, Ld. counsel for respondent no.1.
Sh. Nitin Goel, Ld. counsel for respondent no.2/insurance co. through V/C.

Submissions heard on the application moved on behalf of respondent/insurance co. for setting aside exparte order dated 04.01.2024 vide which the respondent/insurance co. was proceeded exparte.

There is no objection on behalf of Ld. Counsel for the petitioner or the Ld. counsel for respondent no.1. Accordingly, in the interest of justice, **the application is allowed. Order dated 04.01.2024, so far as it relates to exparte order against respondent/insurance co., is hereby set aside.**

Ld. counsel for respondent/insurance co. submits that till today the petitioner has not filed the certified copy of criminal record. Ld. Counsel for the petitioner submits that the same would be filed in two months.

The petitioner is also directed to comply Rule 8 (2) (b) of Delhi MACT Rules, 2008 i.e. petitioner to file the affidavit of witnesses in support of fact which have been averred in the claim petition. The said direction was passed on the last date of hearing.

Any order passed by this Tribunal is binding on the parties and the parties have no option other than to comply the order or impugn the order before the appellate authority. The parties or the Ld. Counsel for the parties have no discretion to amend or alter the order passed by the Tribunal.

It is hereby clarified, if direction passed by the Tribunal is not complied, there may be adverse order against the party in default.

Let the written statement be filed by the respondent/insurance co. in terms of Rule 14(2) of Delhi MACT Rules, 2008 within 30 days from today with advance copy to Ld. Counsel for the petitioner.

Put up for PE on **09.12.2024**.

(Vijay Kumar Jha)
PO (MACT-01)/SHD/Delhi
02.09.2024