

**IN THE COURT OF 9th ADDL. DISTRICT JUDGE & MACT (Aux)
AHMEDABAD (RURAL).**

M.A.C.P. NO. 735/2013

ORDER BELOW EXH.1

1. Present MACP has been filed by the applicant for compensation U/s 166 of Motor Vehicle Act. After institution of the petition notice came to be issued and pursuant thereto opponants appeared before this tribunal.
2. Today when the matter was called out neither the applicant nor his Ld. Advocate has remained present before this tribunal. So far as the presence of the Ld. advocate for the opponents are concerned Ld. advocate for the opponent No. 4 has remained present.
3. Looking to the record of the case, it is transpired that the applicant has failed to remain present before this Court, the Rojkam depicts that after filing the present pitition neither the applicant nor his Ld. Advocate has remained present for long time. It is also pertinent to note that the applicant has failed to proceed with the matter. This matter has been pending since 2013. Furthermore, the applicant has filed MACP No. 94/2012 before the MACT (AUX.) CBI Court No. 5, Ahmedabad and the same was dismissed by the Tribunal on 22.09.2017. Looking to the record of the case, today no one has appeared for the applicant. Hence, as per the ratio laid down by the full bench of Hon'ble Kerala High Court in the case of **JACOB THOMAS V/s C. PANDIAN, 2006(0) AIR (KERALA) 77** wherein it is held that if the tribunal is genuinely satisfied that there are contumacious laches on the part of the claimants in prosecuting their claims and where the claimants are not

interested in prosecuting their cases, the Tribunal can dismiss the application for default. Therefore, this tribunal is of the opinion that this claimant is not interested to proceed with the matter and therefore this petition is required to be disposed off for want of prosecution on the part of the claimant and therefore, the final following order is passed.

: ORDER :

- This petition is here by **dismissed for default.**
- All the pending applications, if any, are also disposed of accordingly.
- The file be consigned to the record room, after due compliance.

**Pronounced and signed in the Open Court today on this
5th day of May, 2026.**

Date :- 05/05/2026
Place:- Ahmedabad

(Sanjaykumar C. Makvana)
9th Addl. District Judge & MACT (Aux),
Ahmedabad (Rural)
(UIC No.GJ00920)