
M.A.C.M.A.No.168 of 2026
Order Below Exh.-01:

1. Present application has been preferred by the applicant under section-5 of the Limitation Act, 1963, seeking condonation of delay of 175-days caused in preferring restoration application to restore M.A.C.P. No.131/2022.
2. This application is filed by the applicants against the opponents for condoning the delay of 175 days that has been caused in preferring restore application, challenging order below application Exh.-1, passed in MACP No.131/2022, which came to be dismissed for default by this Tribunal, on dt.07.07.2025. Being aggrieved and dissatisfied by the said order, the applicant intend to prefer restore application, however there has been a delay of (175) days caused as the petitioner is poor & iterate person. Further, applicant is not aware about legal proceeding, he could not remained present regularly before the Tribunal and matter has been dismissed. Thus, the applicant has filed the present application and prayed to condone the period of delay.
3. On the other hand, the ld. advocate of the opponent-Insurance Company has orally argue to reject the application.
4. Heard the learned Advocates for the respective parties. Read the application and perused the documents produced

on record.

5. Having heard the arguments and on perusal of the record, it transpires that earlier M.A.C.P. No.131/2022, which came to be dismissed for default by this Tribunal, on dt. 07.07.2025, as since long none remained present for prosecuting the matter. At the same time, this Court is of the considered view that technicality should not prevail over substantial justice and the applicant should not be deprived off his right of proving his case on merits. It is also to be noted that if the delay is not condoned, in that event the applicant will have to bear irreparable loss, whereas there shall be no harm or prejudice to the other side in the event of allowing this application and condoning the delay period if the application is allowed by imposing suitable costs. In view thereof, this Court is of the considered view that the present application deserves to be allowed and accordingly, the following order is passed :

~: ORDER :~

1. The present application filed by the applicant under section - 5 of the Limitation Act is hereby allowed, subject to payment of costs.
2. Delay of (175) days in preferring restoration application in this case is hereby condoned.
3. The applicant is directed to deposit **Rs.5,000/-(Rupees Five thousand only)** towards costs in D.L.S.A, Godhra,

within a period of (07) days from the date of this order.

4. On depositing the amount of costs, the registry is hereby directed to register the restoration application, as per rules.

Pronounced in the open Court today,
i.e. on this 8th day of April, 2026.

Date:08.04.2025

Place: Godhra.

Malek

(Chandrapalsingh K. Chauhan)
Principal District & Sessions Judge
Motor Accident Claims Tribunal (Main)
Panchmahals at Godhra
Judge Code : GJ00513