
M.A.C.M.A. No. 1773 of 2025
Order Below Exh. 1

1. The present application has been preferred by the claimants under Order-9, Rule-4 of C.P.C., for restoration of the M.A.C.P. No. 1077/2006, which came to be dismissed for default by this Tribunal, on dtd.19.10.2016, as since long none remained present for prosecuting the matter.
2. The Ld. Advocate appearing for the applicant, has submitted that the claimant could not remain present before the tribunal and in his absence the claim petition came to be dismissed. He has further submitted that, if the claim petition is restored to its file, it will help the claimant to get compensation for the injuries sustained by him out of the road accident, which would be very helpful to the claimant and therefore submitted to allow this application. On the other hand, the Id. Advocate of Insurance Company has objected the same.
3. It appears that the claim petition preferred by the claimant, towards the injuries sustained by him on account of vehicular accident came to be dismissed by this tribunal on 19.10.2016. It appears that the claimant had remained idle for long time period, due to which the petition was dismissed. The circumstance was perfectly justifying the removal of M.A.C.P. No.1077/2006 from the file.

However, considering the fact that the claim petition filed u/sec. 166 of M.V.Act is benevolent proceeding and the tribunal instead of taking hyper-technical approach, has to take holistic view, I am of the considered opinion that the claimant deserves one more chance to prosecute the claim petition. At the same time, considering the fact that the claimant has remained idle for long time period and was not vigil enough, it is requisite to impose costs and in view thereof, I pass following order :

ORDER

1. The present restoration application filed under Order-9, Rule-4 of C.P.C. is hereby allowed, subject to payment of costs.
2. The M.A.C.P. No.1077/2006 shall be restored to its original proceeding, subject to payment of costs of **Rs.3,000/-** (Rupees Three Thousand Only) into the District Legal Services Authority, Godhra, within **(07) days** from the date of this order, failing which, the application shall be treated as dismissed.
3. The applicant is directed to proceed further in the **proceeding of the claim petition expediently, without seeking any adjournment.**
4. In the event of the claimant/s succeeding in the claim petition, the claimant/s shall be entitled to get interest upon the awarded amount of compensation only **from the date of restoration of the claim petition** and not from the original date of filing the claim petition.

5. Copy of this order be placed in M.A.C.P. No. 1077/2006.

Pronounced in the open Court today,
i.e. on this 17th day of June, 2026.

Date: 17.06.2026

Place: Godhra.

(Chandrapalsingh K. Chauhan)

Motor Accident Claims Tribunal (Main)

Panchmahals at Godhra

Judge Code : GJ00513

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