



**Order below Exh.01 in MAC Petition No.43 of 2020.**

The applicant has filed this claim petition under Section 166 of the M. V. Act for claiming compensation to the tune of Rs.5,00,000/- for the injuries sustained by the applicant in the accident which had occurred on 21-09-2011.

On going through the proceedings of the present case, it appears that none for the applicant remained present before this Tribunal for a considerable long time to proceed further in the claim petition.

This Tribunal is quite conscious that this is a beneficial piece of legislation; and so, in normal circumstances, it should not be dismissed for default in ordinary course. However, the said phenomena cannot be continued ever. It also appears from the records that present claim petition is at the stage of evidence of the applicant. Till date no evidence has been led on behalf of the applicant. The earlier Tribunal has given sufficient opportunity than required to the applicant granting adjournment applications as the issues have been framed at Exh.17 by the earlier Tribunal but, still, neither the applicant nor his Ld. Advocate is remained present when the matter is called out. Even today, the applicant is not remained present to lead the oral as well as documentary evidence to prove his case as per law. So, it seems that the applicant is not interested to proceed further with this claim petition. As this claim petition is pending since year 2020 and none for the applicant remained present to proceed with this claim petition, no fruitful purpose would be served in rotating the matter on board. Having regard to the aforesaid facts and circumstances, this Tribunal has no other alternative except to dismiss this claim petition for non-prosecution. Hence, the following order is passed.

**ORDER**

This claim petition stands dismissed for default for want of prosecution.

Place: Halol.

Date : 22-09-2022.

P. P. Joshi

[ Bharat Jamnadas Ganatra ]  
M. A. C. T. [Aux.] and  
Additional District Judge,  
Panchmahals at Halol.  
(Judge Code : GJ00509)