



Order below Exh.01 in MAC Petition No.2766 of 2017[Old MACP No.167/2016].

The applicant has filed this claim petition under Section 166 of the M. V. Act for claiming compensation to the tune of Rs.25,00,000/- for the grievous injuries with multiple fractures sustained by the applicant in the accident which had occurred on 13-10-2015.

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 this 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 serving notice upon Opp. No.2 since long time and lastly, the notice as per order passed upon application submitted at Exh.16 is also returned unserved. Till date no effort has been made by LA for the applicant though this claim petition adjourned for so many times but, still, neither the applicant nor his Ld. Advocate is remained present when the matter is called out. So, it seems that the applicant is not interested to proceed further with this claim petition. As this claim petition is pending since 2016 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 want of process. Hence, the following order is passed.

ORDER

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

Date : 30-09-2022.

Place : Halol.

P. P. Joshi

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