

GJRJ210006202019



// ORDER BELOW EXH.1 //

1. The present claim petition has been filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the alleged motor vehicular accident by the Natural guardian and Father of the minor injured claimant who sustained to the injuries.
2. Today, the matter is called out. None appears on behalf of the claimant despite repeated calls. The claimant has remained absent.
3. Record further reveals that summons/notices issued to the owner and driver of the offending vehicle i.e. opponent no.1 and 2 but they have neither remained present nor filed any written statement to contest the matter.
4. As per the various judgement of the Hon'ble High Court of Gujarat, motor accident claim petition may not dismiss but Tribunal has to award compensation as per the pleadings and documentary evidence produced on record by the claimant and if necessary the Tribunal may also call for material documents from the concern police authority who has investigated accidental case but in absence of opponents this Tribunal may not in position to decide claim petition in absence of claimant.

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5. The claimant has failed to prosecute the case and has shown complete lack of interest in pursuing the claim petition. In absence of the claimant, and due to non-appearance the owner/driver of the offending vehicle, no useful purpose would be served by keeping the present petition pending.
6. Accordingly, the claim petition is **dismissed for default and non-prosecution**, in view of the absence of the claimant as well as opponents i.e. the owner and driver of the offending vehicle.
7. The claimant will be at liberty to file an application for restoration and necessary order will be passed in such application according to law.
8. No order as to costs.

Pronounced in the open Court today on 07th August, 2026.

DATE: 07/08/2026
PLACE: JETPUR

[Rajesh Sureshchandra Purani]
M.A.C.T. (AUXI.), JETPUR
AT DISTRICT- RAJKOT
JUDGE CODE :- GJ00727

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