

MACT 75/2023

08 25.03.2025

Today is fixed for taking steps by the claimant upon the O.P No.2.

Claimant files hazira.

O.P No.1 files hazira.

Ld. Counsels appearing on behalf of the O.P No.1 files written objection against the application u/s 166 of M.V. Act alongwith a petition under section 170 of CPC.

Copy is duly served to the other side.

Let, written objection be kept with the record.

Petition under section 170 of CPC is taken up for hearing.

Heard, both sides.

Ld. Counsel for the O.P No.1 submits that the O.P No.2 is the owner of the offending vehicle did not contest the instant case inspite of received of the notice issued by this court and he remain exparte and O.P No.1 have reason to believe that the O.P No.2 deliberately did not conduct the instant case. Hence,he files this application under section 170 of CPC and prays for pass necessary order and allow the O.P No.1 to take pleas as defense under section 170 of CPC.

Heard, considered.

Having regards to the submission of the learned counsel for the O.P No.1 and on perusal of the case record it appears to this court that the O.P No.2 did not contest the instant case and exparte order has already been proceed against him.

Considering the fact, I am inclined to allow the prayer of the O.P No.1. Petition filed under section 170 of CPC is considered and allowed. O.P No. 1 is permitted to leave to take plea a defense under section 170 of CPC accordingly.

On perusal of the case record it transpires to this court that at the time of filing of the instant case the claimant herein has been paid deficit court fee which is found insufficient.

In light the above fact, civil clerk is directed to assess the court fee as per the claim and submit a report with regard to assessment of deficit court fee positively on the date fixed.

Civil clerk to comply accordingly.

Case is adjourned today for the ends of justice.

Fix 28.04.2025 for report by the civil clerk with regard to assessment of deficit court fee as per claim.

Dictated & Corrected by me

S.M

Sole Member(D.J)