

**Motor Accident Claim Petition No. 49/2019**

**(C.N.R. - MHAH07 - 000343 - 2019)**

**(Dattatraya Hajare V/s Appasaheb Baste and others)**

**Order below application at Exh. No. 26**

1. The present application has been filed by the respondents No. 1 & 3 for setting-aside “No written-statement” order passed against them and also seeking permission of the Court for filing the written-statement by them. It is the contention of the respondents No. 1 & 3 that they being farmers, they forgot the date of the hearing of the present matter. Therefore, they could not file the written-statement in the present matter within the statutory period and hence, “No written-statement” order passed against them on 15.01.2020. In the circumstances, the respondents No. 1 & 3 have sought for setting-aside “No written-statement” order passed against them and also permission of the Court to file the written-statement.

2. The petitioner has filed his reply and submitted that the respondents No. 1 & 3 has furnished no sufficient ground for setting-aside “No written-statement” order passed against them. Therefore, the present application is liable to be rejected. However, if the Court inclines to grant the present application, the same may be granted on condition of payment of heavy costs by the respondents No. 1 & 3.

3. I have heard the learned counsels for both sides. I have perused the record. It is manifest from the record that on 01.10.2019, the respondents No. 1 & 3 had filed their appearance and sought the time for filing the written-statement. However, the respondents No. 1 & 3 had not thereafter, filed the written-statement within statutory

period and therefore, “No written-statement” order was passed against them on 15.01.2020. However, having regard to the submissions made on behalf of the petitioner, if “No written-statement” order passed against the respondents No. 1 & 3 is set-aside on condition of payment of certain costs, that would meet the ends of justice. Hence, I pass the following order.

**Order**

1. The present application is allowed.
2. The “No written-statement” order passed against the respondents No. 1 & 3 is hereby set-aside and they are hereby permitted to file their written-statement in the present matter on condition of payment of costs of Rs. 1,000/- each, in all Rs. 2,000/- by them to the petitioner.

Place : Sangamner  
Date : 10.02.2021.

(R.J. Pawar)  
Member, M.A.C.T.,  
Sangamner