



MACP No. 27/2019.
Nilesh Prabhakar Patil
V/s.
Lalitraj Brijlal Khurana + 1.

-: ORDER BELOW EXHIBIT 21 :-
(Passed on 02.03.2026)

01. By this application, the claimant prayed for setting aside of the Order dtd. 09.07.2025, thereby, forfeiting his right to lead evidence, and for granting permission to lead side. As he is in Service at Pune, he could not attend the matter and failed to lead evidence. Consequently, the said Order was passed, which requires to be set aside. Otherwise, he would suffer irreparably. Opponent No.2 Insurance Company denied this application and prayed to pass suitable Orders. Heard Ld. Advocate for opponent No.2. On repeated calls, none appeared for the claimant. This petition is more than five years old. Hence, to avoid further delay, I am proceeding to decide this application, in view of the available record.

02. Considering the submissions of Ld. Advocate and the record, at the outset, it is to be noted that, though, in view of the rival pleadings, the issues were framed, the claimant failed to promptly proceed with the matter and hence, this Order of closing his evidence came to be passed. However, be that as it may, this cannot be lost sight of that this petition is filed U/s. 166 of the Motor Vehicles Act for grant of compensation. In the circumstances, to decide this petition effectively, it is necessary to afford one more chance to claimant to show his bonafide. Even, otherwise also, it is always better to decide the petition on its merit, rather to dispose of the same on technical flaws. In the result, this application deserves to be allowed, with direction to the claimant to proceed with the case, without further delay. Hence, the Order:

-: ORDER:-

01. The application (Exhibit 21) is allowed. Accordingly, the Order dtd. 09.07.2025, forfeiting the right of claimant to lead evidence, is set aside. He is directed to proceed with this petition without further delay.

02. Costs in cause.

Buldhana.
Dated : 02.03.2026.

{A.G. Santani}
Member, MACT, Buldhana.
District : Buldhana.

Certificate

I affirm that the contents of this Judgment/order are same word for word as per original.

Name of Court	MACT, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I)
Pronounced on	02/03/2026
Upload Date	04/03/2026