

IN THE COURT OF DISTRICT JUDGE-2, & ASJ, GONDIA.**MACP NO. 97/2020.**
(CNR NO.MHG010006542020)**Jitendra -Vs- Markand****ORDER BELOW EXH.22**(Passed on this 9th day of September, 2024)

1. Perused the application and say of claimants. Present application is filed by respondent No.3 insurance company for setting aside order dated 05-04-2022 whereby petition proceeded without written statement against them.

2. It is the contention of respondent No.3 that they failed to file written statement within prescribed period due to unavoidable circumstances on last date consequently impugned order came to be passed. They requested to grant an opportunity to them to file their written statement. Accordingly, made prayer in that regard.

3. Claimants opposed the application by filing say that respondent No.3 deliberately caused delay to file application and accordingly requested to reject the application.

4. At the outset I would like to point out that respondent No.3 has shown their bonafide by annexing written statement alongwith present application. They demonstrated that they do not want to protract the matter. It is to be noted that impugned order came to be passed on 05-04-2022 and on 22-04-2022 present application is filed which indicates that respondent No.3 do not

want to prolong the matter. In the facts of matter and to do substantial justice, I am inclined to allow present application by imposing certain cost. Hence, pass following order:

Order

1. Application is allowed subject to cost of Rs.1000/- payable to petitioners within the period of two weeks.
2. Upon payment of cost by respondent No.3 written statement be taken on record.
3. Accordingly, application Exh.22 stands disposed of.

Gondia.
Dated: 09.09.2024.

(M. T. Asim)
Member, MACT
Gondia.