



**IN THE COURT OF MEMBER, MACT, GONDIA.**

**M. A. C. P. No. 114/2021.**  
(CNR NO.MHGO010010272021)

**DULESHWAR+2 -VS- ORIENTAL INSURANCE+2**

**ORDER BELOW EXH. 23.**

(Passed on this 23<sup>rd</sup> day of October, 2024)

Seen application and say filed.

2. Heard learned advocate for respondent No.1.
3. Applicant/respondent No.1 has filed application for setting aside no written statement and ex-parte order dated 17/09/2022.
4. Learned advocate for the respondent No.1 has contended that earlier advocate Shri Bashir Ahemad did appear for respondent No.1, however, he has not filed written statement. As such, insurance company had change its advocate and due to which the respondent No.1 could not filed written statement. Therefore, the matter was proceeded without reply/written statement against respondent No.1.

5. It seems that respondent No.1 has filed written statement with this application and another application seeking permission to accept written statement on record and proceedings of this case.

6. Further it is contended that the Company's main office is situated at Indore and that company though received notice of this petition, the documents accompanying the petition were not served upon the respondent No.1. As such also the respondent No.1 had to gather the said documents for filing the written statement.

7. Petitioners have not disputed both the aforesaid contentions, though they have filed say. It is claimed in the said reply that subject to heavy costs, respondent No.1 be permitted to file written statement.

8. Under these circumstances, without going in to technicalities, if opportunity to defend claim petition at hand is granted to the respondent No.1, then no harm as such would be caused to the petitioners. I am therefore of the view that application at hand can be granted subject to imposing costs upon the respondent No.1. Hence, the following order.

### **ORDER**

Application Exh.23 is allowed.

2. No written statement order dated 17/09/2022 passed against respondent No.1 is set-aside, subject to payment of cost of Rs. 1500/- to be paid to the petitioners.
3. Upon compliance of Clause-2, respondent No.1 is permitted to place its written statement on record.

Gondia.  
Dated: 23.10.2024.

(A. S. Pratinidhi)  
Member, M.A.C.T., Gondia.

Dictated on	:	23/10/2024
Transcribed on	:	24/10/2024
Checked by the Judge	:	24/10/2024
Finally printed & signed by the Judge	:	24/10/2024