

Order Below Exh.19

The respondent Nos. 1 & 2 have filed this application for setting aside no W.S. order passed against them by contending that they are labours and they were out of station.

2. The claimant filed reply contending that the no W.S. order has been passed on 30.7.2022 and reason given is not satisfactory, so application be rejected.

3. Heard.

4. On perusal of material on record, it appears that the respondents appeared on 10.1.2022, but failed to file written statement till 30.7.2022. Hence, no W.S. order was passed.

5. As per the provisions of Order-8 Rule-1 of C.P.C., the respondents ought to have file written statement within the period of 30 days from the date of service of summons. But, so far as the nature of this provision is concerned, law is settled that the said provision is not mandatory, but it is directory.

6. The applicants have given the reason that they were out of station for labour work. Considering this reason and for disposal of the matter on merit, it would be proper to allow the respondents to make their defence by imposing reasonable costs. Hence, following order.

ORDER

Application is allowed, subject to costs of Rs.300/- payable to the claimant.

(D.B. Mane)

Ex-Officio Member, Motor Accident
Claims Tribunal, Latur.

Dated : 19.8.2022