

M.A.C.P. No.269/2021
Ismail Vs. Ankush + 2
CNR No. MHLA010036142021

ORDER BELOW EXH.26.

This is an application moved by the respondent No.1 for getting ex-parte order dated 30.11.2022 set aside. Claimant has objected the application.

2. It is contention of the respondent No.1 that he was out of city for earning purpose and he had no knowledge of this proceeding. It is his contention that he is driver by profession and consistently stays out of the village to earn bread. The respondent No.1 wants to contest the petition. Hence, this application.

2. The application has been duly supported by an affidavit. There is no reason to disbelieve the grounds stated in the application. Moreover, the matter is yet pending for the written statement to be filed by respondent No.3 Insurance Company. Even if ex-parte order is set aside and respondent No.1 is allowed to contest the petition, stage of the petition need not be reverted back. Alongwith this application respondent No.1 has also filed written statement. Considering all these aspects, in the interest of justice I am inclined to allow the application. Accordingly, following order.

[2]

Order

Ex-parte order passed against respondent No.1 dated 30.11.2022 is hereby set aside and he is permitted to participate in the proceeding.

Date : 13/01/2026
Place : Latur

(Vidyadhar S. More)
Member, M.A.C.T., Latur