

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL FOR  
GREATER MUMBAI AT MUMBAI  
M.A.C.P. No. 759 of 2017**

Mr. Omkar Rangnath Kamble ... Applicant  
Versus

Mr. Alok Narendra Sanghvi ... Opponent No.1 (Owner)  
And

Liberty Videocon General Insurance Co. Ltd. ... Opponent  
No.2 (Insurer)

**ORDER BELOW EXHIBIT-31**

**(Application by Insurer for setting aside “No W.S.” order /  
permission to file Written Statement)**

1. **Heard** learned Advocate for the Applicant and learned Advocate for Opponent No.2/Insurer.
2. The Insurer has preferred the present application praying to **set aside the “No Written Statement”** order passed against it **dated 02/09/2025**, to **condone the delay**, and to grant **permission to file the Written Statement**. The Insurer has stated that it did not deliberately avoid filing the written statement, that the delay occurred due to administrative reasons, and that it is ready with the written statement and has produced the same along with the application.
3. The Applicant has opposed the application contending

that the Insurer failed to file the written statement within time, has not shown sufficient cause, and the delay has caused prejudice and protraction of proceedings.

### **I. Points for determination**

1. Whether the Insurer has shown sufficient cause to set aside the “No W.S.” order and to permit filing of the written statement?
2. If yes, on what terms/costs?

### **II. Reasons**

4. This Tribunal is constituted to adjudicate motor accident compensation claims and is expected to follow a **summary and justice-oriented procedure**. The purpose of procedural timelines is to ensure discipline and expeditious disposal; however, they are not meant to **shut out a defence** altogether when the lis can be decided more effectively on merits—subject to suitable terms.

5. The “No W.S.” order results in serious civil consequences to the Insurer. The Insurer asserts bona fides and willingness to contest, and specifically prays that denial of opportunity would cause irreparable loss, while allowing the application would not prejudice the Applicant except by delay. The Applicant’s grievance of delay and inconvenience is, however, legitimate and deserves to be addressed.

6. The Supreme Court has consistently held that

**procedural law is a handmaid of justice**, and that while courts must discourage dilatory tactics, they should ordinarily lean in favour of deciding disputes **on merits**, particularly where compensatory costs and strict timelines can neutralize the prejudice of delay. (Ref.: **Sangram Singh v. Election Tribunal, Kotah**, AIR 1955 SC 425; **Kailash v. Nanhku**, (2005) 4 SCC 480; **Salem Advocate Bar Association (II) v. Union of India**, (2005) 6 SCC 344.)

7. In the present case, considering (i) the nature of proceedings, (ii) the fact that the Insurer seeks to place its defence by written statement, and (iii) that any prejudice due to delay can be compensated by **realistic costs** and by fixing a strict schedule, this Tribunal finds it appropriate to allow the application **in the interest of justice**, but **not without consequences**.

8. Therefore, the delay is condoned and the “No W.S.” order is set aside, subject to payment of costs to compensate the Applicant for inconvenience and to discourage laxity.

### **III. Operative Order**

A) The application is allowed.

B) The delay in filing Written Statement by Opponent No.2/Insurer is condoned.

C) The “No Written Statement” order dated 02/09/2025

passed against Opponent No.2/Insurer is hereby set aside.

D) Opponent No.2/Insurer is permitted to file its Written Statement on record, subject to the following conditions:

1. The Insurer shall **pay costs of Rs. 5,000/- (Rupees Five Thousand Only) to the Applicant** on or before the next date. The said costs are imposed considering the inconvenience and delay caused due to non-filing of written statement within time.

2. If the costs are **not paid within the stipulated time**, this order shall **stand recalled automatically** and the earlier "No W.S." order shall revive, without further reference to the parties.

3. The Written Statement shall be taken on record **only after compliance of costs**, and copy thereof shall be supplied to the Applicant on the same day.

E) **To avoid further delay, the matter be listed for further proceedings at a shorter date of hearing.**

**Pronounced in open Tribunal**

Date: 09/2/2026  
Place: Mumbai

(Shashikant Eknathrao Bangar),  
Member, CR3,  
MACT, Mumbai