

MACP No.926 of 2018
ORDER BELOW EXH.20

1. The applicant has filed the application for setting aside 'no evidence' order. It is contended that the petition is filed for the accident which occurred on 07.03.2018. However, during the pendency of the matter, the matter was referred for mediation/settlement on 13.12.2025.

2. It is also contended that the applicant was under the bonafide belief that the matter would be settled through Lok Adalat/Mediation, therefore, evidence was not led. On 07.01.2026 the evidence of applicant was closed.

3. It is further contended that the applicant has good strong case on merit. Therefore, praying for setting aside 'no evidence' order. The learned counsel for the insurer filed no objection. However, orally submitted that the interest should not be granted to the applicant as from the date of filing of the claim petition the matter never came for the settlement.

4. Perused the record and Roznama. Heard learned counsel Mrs. D. V. Adsul for the applicant and Mrs. Bhavna Bhatt for the insurer.

5. On perusal of the proceeding, it can be seen that it was filed on 07.06.2018. On going through the Roznama, it can be seen that issues in the matter are framed on 05.06.2023 and since then matter is fixed for evidence of the applicant.

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6. The Roznama further shows that ever since the proceeding is filed more specifically after 05.06.2023 neither the applicant nor the counsel attended the matter nor the evidence is led in the matter and prior to 05.06.2023, also none appeared in the matter.

7. It is also to mention that despite of sufficient time and opportunity, as the applicant failed to adduce the evidence therefore, the side of the applicant was closed vide order dtd.07.01.2026 below Exh.1.

8. Considering that the applicant is present today in the Court and willing to proceed with the matter, I am of the opinion that one last to last chance can be granted to the applicant in the interest of justice. Hence, the following order.

ORDER

1. The application is hereby allowed.
2. The applicant shall not be entitled for the interest from 05.06.2023 till the date of commencement of the evidence.
3. It is made very clear that if the applicant would fail in adducing the evidence today in the Court, then again the side of applicant shall be closed.

Date : 14.01.2026
GDE

(M. I. Arland)
Chairman,
MACT, Mumbai