

BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL-1,
NAGPUR

(Presided over by P. B. Naikwad)

MACP No.121/2022

Rajendra Vs. The Tata Gen. Ins. + 1

ORDER BELOW EXH.22 AND 18

(Passed on 15th March 2025)

Perused the applications and the say filed by respondent No.1. Heard both learned counsels.

2] Applicants have filed application Exh.22 for condonation of delay and Exh.18 for bringing LR's of deceased petitioner on record. Learned counsel for applicants argued that petitioner Rajendra died on 25.05.2024 due to accidental injuries during pendency of petition. Due to his death his LR's could not contact within 90 days. Therefore delay has been caused. The same is not intentional. Hence delay be condoned and permission as prayed may kindly be granted.

4] Respondent No.1 by its say strongly opposed the said application. Learned counsel for respondent No.1 submitted that application is not tenable as it is filed after the period of eight months and is hit by prescribed limitation. Delay is also not explained. Hence application be rejected.

5] Having regard to the submissions made by both learned counsels and considering the record I am of the opinion that, being social and beneficial legislation it is necessary to permit applicants to proceed with the claim. In view of provisions of Section 166(5) of Motor vehicles Act also applications needs to be allowed as Legal

Representatives of deceased petitioner are entitled to proceed with the claim. Hence following order.

ORDER

- 1] Applications (Exh.22 and 18) are allowed.
- 2] The delay in bringing LR's of deceased petitioner on record is hereby condoned.
- 3] Permission is granted to bring LR's of deceased on record.
- 4] Applicants to carry out the amendment forthwith.

Date : 15.03.2025

(P. B. Naikwad)
Member, M.A.C.T.1, Nagpur.

CERTIFICATE

I affirm that the contents of this P. D. F. file of order are word to word, as per original judgment.

(Sau. S.R. Chaple)
Stenographer (Grade-I)