

MHNG010036982020



**BEFORE THE CHAIRMAN, MOTOR ACCIDENT CLAIMS
TRIBUNAL, NAGPUR AND PRINCIPAL DISTRICT JUDGE,
NAGPUR**

[Presided over by Dinesh P. Surana]

M.A.C.P. No. 218 of 2020

Trupti W/o Amit Manekar

--Vs. ---

HDFC ERGO General Ins. Co. Ltd. + 1

Order below Exh.54

[Passed on 17.12.2025]

By this application, the respondent No.2 – owner of the alleged offending Activa, has prayed for setting aside the order of “No WS” against him and permission to file written statement on record.

2] The “No WS” order was passed against the respondent No.2 on 14.06.2023. The present application is filed on 21.11.2025. The respondent No.2 is blaming his counsel for non-appearance in the matter.

3] The application is opposed by the petitioner on the ground that petitioner’s evidence is already over.

4] The respondent No.1 – insurance company has opposed the application on the ground of negligence on the part of the respondent No.2 in pursuing the matter.

[2]

5] The counsel for the respondent No.2 called, absent. Heard arguments advanced by Adv. P.S. Mirache for the petitioner and Adv. Aditya Joshi for the respondent insurance company. Perused the record.

6] There is apparent delay and latches on the part of the respondent No.2 in filing the present application. He was served long back. He waited till the order of “no WS” was passed against him. He again waited till the evidence of petitioner was closed, and now he want to reverse the clock by filing the written statement. However, such delay and latches on the part of the respondent No.2, can be compensated in terms of monetary compensation. As such, application deserves to be allowed. In the result, I proceed to pass following order.

ORDER

(1) Application Exh.54 is allowed subject to payment of costs of Rs.5,000/-, by the respondent No.2, out of which Rs.3,000/- to be paid to the petitioner, and Rs.2,000/- to be deposited with the office of District Legal Services Authority, Nagpur.

(2) Compliance to be made within 15 days from the date of this order.

(3) Subject to the compliance, (i) the impugned order of proceeding the claim without written statement of respondent No.2 is called back, and (ii) written statement is taken on record.

Nagpur.
Date : 17/12/2025

[Dinesh P. Surana]
Chairman, M.A.C.T. and
Principal District Judge, Nagpur.

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CERTIFICATE

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

Name of Stenographer : Prashant P. Yenukar
(Grade-I)