

**BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL-1,  
NAGPUR**

(Presided over by P. B. Naikwad)

**MACP No. 938/2022**

Deepak Vs. Parag + 1

**ORDER BELOW EXH.15**

(Passed on 2<sup>nd</sup> September, 2023)

Perused the application and the say filed by petitioner. Heard both learned counsels. Respondent No.1 has filed the present application for setting aside the no w.s. order dated 13.06.2023. Learned counsel submitted that, respondent No.1 and his counsel were out of station therefore, unable to file w.s. within time. Therefore, no w.s./ex-parte order came to be passed. Hence, the ex-parte/no w.s. order may kindly be set aside and permission to file W.S. be granted.

2] Learned counsel for petitioner by his say strongly opposed the said application. He submitted that, respondent No.1 in order to prolong the matter deliberately did not file written statement within stipulated period. Therefore, application is not tenable, it be rejected.

3] Having regard to the submissions made by both learned counsels and considering the nature of dispute, I am of the opinion that, it is necessary to give an opportunity to respondent No.1 to defend the claim, therefore in the interest of justice, it is necessary to grant permission to file W.S. by setting aside ex-parte/no w.s. order. However, for delay respondent No.1 is liable to pay costs to the petitioner. Hence, I pass the following order.

**ORDER**

- i) Application is allowed.
- ii) The no W.S./ex-parte order dated 13.06.2023 passed against respondent No.1 is hereby set aside.
- iii) Permission is granted to respondent No.1 to file written statement on record subject to depositing Rs.500/- with Tribunal towards costs. On depositing the said costs, W.S. be taken on record.

Date : 02.09.2023.

(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 order.

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