

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.51

(Passed on 18th June 2025)

Perused the application and the say filed by petitioner. Heard both learned counsels. Respondent No.2 has filed the present application for setting aside ex-parte/no w.s. order dated 11.04.2023 so also setting aside no cross order dated 21.04.2025. Learned counsel for respondent No.2 submitted that, he did not receive the notice issued by this tribunal personally but from respondent No.1 he got information regarding present petition. Respondent No.1 did not inform about the date of appearance therefore written statement was not filed within time. Therefore no w.s. order came to be passed. Hence, the no w.s. order so also no cross order may kindly be set aside and permission to file w.s. be granted.

2] Petitioner by his say opposed the application. Learned counsel submitted that there is much delay for filing this application and respondent had not appear before this tribunal. Hence 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.2 to defend the claim. Therefore in the interest of justice and for just decision of the claim, it is necessary to grant permission to file W.S. by setting aside ex-parte/no w.s. order. So also permission is granted to cross examine the witness. However for delay respondent is liable to pay costs. Hence I pass the following order.

ORDER

- i) Application is allowed.
- ii) Permission is granted to file written statement on record so also to cross examine witness by setting aside no w.s./ex-parte order and no cross order, subject to payment of costs of Rs.700/-.
- iii) Respondent No.2 shall deposit the costs of Rs.700/- with legal aid. On depositing the costs w.s. be taken on record.

Date : 18.06.2025

(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 order.

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

