

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

(Presided over by P. B. Naikwad)

**MACP No.1065/2023**

Tukaram Vs. ICICI Lombard GIC + 1

**ORDER BELOW EXH.18**  
(Passed on 28<sup>th</sup> January 2025)

Perused the application and the say filed by petitioner. Heard both learned counsels. Respondent No.1 has filed the present application for setting aside ex-parte/no w.s. order dated 13.11.2024. Learned counsel for respondent No.1 submitted that, due to completing the formalities, written statement was not filed within time. Therefore no ex-parte/ now.s. order came to be passed. Hence the no ex-parte/w.s. 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 notice was served on 04.01.2024 but respondent No.1 was appeared on 13.11.2024, still it did not file written statement. 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.1 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. However for delay respondent is liable to pay costs. Hence I pass the following order.

**ORDER**

i) Application (Exh.18) is allowed.

- ii) Permission is granted to file written statement on record, subject to payment of costs of Rs.500/-.
- iii) Respondent shall deposit the costs of Rs.500/- with legal aid. On depositing the costs w.s. be taken on record.

Date : 28.01.2025

(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)