

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

(Presided over by P. B. Naikwad)

**MACP No.1065/2023**

Tukaram Vs. ICICI Lombard + 1

**ORDER BELOW EXH.30**

(Passed on 1<sup>st</sup> January 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. Learned counsel for respondent No.2 submitted that, petitioner has died and daughter of petitioner filed petition in the capacity of power of attorney. She moved application for bringing LR's on record and then amended the petition. Therefore in all factual background the counsel for respondent No.2 could not file written statement within time. Therefore no w.s. order came to be passed. Hence, the no 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 as the notice was served and respondent No.2 appeared on 29.08.2025 still it did not appear and file written statement. Hence application is not tenable and 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. However for delay respondent is liable to pay costs. Hence I pass the following order.

**ORDER**

i) Application is allowed.

- ii) The no written statement order dated 13.11.2025 passed against respondent No.2 is hereby set aside.
- iii) Permission is granted to file written statement on record, subject to payment of costs of Rs.500/-.
- iv) Respondent shall deposit the costs of Rs.500/- with legal aid. On depositing the costs w.s. be taken on record.

Date : 01.01.2026

(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)