

M.A.C.P NO.12/2022

CNR NO.MHSNO4002402022

(Narayan Vishnu Nangare V/s. Shri. Manoj Keshav Kamble)

Order blow Exh.19.

This is an application filed by claimant for condonation of delay to setting aside 'Evidence closed order' passed against claimant on dated 05/09/2024.

02. The respondent has not filed reply to this application. Hence, application proceeded without his say. Perused the record.

03. As it transpires, the claimant has contended that on the day fixed for leading evidence, the claimant was ill. The matter therefore, went unattended and Evidence closing order came to be passed against the claimant. There was no deliberate intention to protract the trial. If claimant is not permitted to lead evidence, it will cause irreparable loss to his case. Hence, claimant prayed to condone the delay for setting aside Evidence closed order.

04. It transpires from the record that the claimant has promptly remained present on all necessary fixed dates. On the day of his evidence he remained absent, but adjournment application was not moved. Hence, Evidence closing order came to be passed. Now the claimant has given just and sufficient cause for nonappearance on the fixed date. The original petition is for claiming compensation under Section 166 of M.V. Act. If the claimant is not allowed to lead his evidence, the same may cause irreparable loss to him. Therefore, it is necessary to decide the petition on

merit. Mere delay caused in filing application cannot defeat the legitimate right of claimant to lead his evidence.

05. The delay has been satisfactorily explained. Hence, I hold that it is justified to condone the delay caused for setting aside 'evidence closed order'. In the result following order is passed :-

ORDER

1. The application is allowed.
2. The delay in moving application for setting aside 'Evidence closed order' stands condoned.

Islampur.
Dt. 20/01/2025

(A. H. Kashikar)
Adhoc District Judge-1 &
Member, M.A.C.T., Islampur.

Certificate

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

Name of Stenographer : J. R. More [Grade-1]
Court : Adhoc-District Judge-1, Islampur
Date : 20/01/2025
Order signed by the
Presiding Officer : 20/01/2025
Order uploaded on : 30/01/2025

