

MHST010006572021



IN THE COURT OF DISTRICT JUDGE-2, SATARA : AT SATARA

M.A.C.P NO. 61/2021

Surekha Kanse & Ors. ..Applicants

V/s.

Atul Kadam & Ors. ..Respondents.

**Coram : Mr.S.R. Tamboli,
District Judge-2, Satara.**

:: ORDER BELOW EXH.47 ::

1. In the present application, Respondent No. 2 has prayed for permission to file a written statement by setting aside the order passed for proceeding without a written statement.

2. The learned counsel for Respondent No. 2 submitted that this Court had passed an order to proceed with the petition without the written statement of Respondent No. 2. However, Respondent No. 2 did not receive the necessary information regarding the insurance policy and the documents relating to the accident. Consequently, the written statement could not be filed within the prescribed time. It is further submitted that Respondent No. 2 has not deliberately delayed the filing of the written statement. Hence, it is prayed that the written statement of Respondent No. 2 be taken on record.

3. The application is opposed by the learned counsel for the applicants on the ground that Respondent No. 2 filed its vakalatnama on 16/04/2022. The applicants have already closed their evidence, and

the matter is fixed for arguments. It is contended that Respondent No. 2 has filed the present application only to prolong the proceedings. No sufficient cause has been shown in the application. Hence, it is prayed that the application be dismissed.

4. In the present case, Rajendra Kanse died in a motor vehicle accident, and the applicants are his legal heirs. It appears that the vehicle involved in the accident was insured with Respondent No. 2. Therefore, the written statement of Respondent No. 2 is necessary for the proper adjudication of the matter. It is not appropriate to apply the strict provisions of the Code of Civil Procedure to compensation proceedings. Hence, I find it proper to allow the application. Accordingly, I pass the following order:

ORDER

1. The application is allowed.
2. The order directing the matter to proceed without the written statement of Respondent No. 2 is hereby set aside.
3. Respondent No. 2 is permitted to file its written statement.

Date: 01.08.2026
Place : Satara.

(S.R.Tamboli)
Member, M.A.C.T.
Satara.