

ORDER BELOW EXH. 21 IN M.A.C.P. NO.56/2019

(CNR NO. MHST-01-000918-2019)

(Prasad nandkumar Yadav Vs. Tatyaba Hiranman Yele)

1] This application is moved by Respondent to set aside the order passed below Exh. 6 read with Exh.1. According to him, due to “Covid-19” period and pending application in this proceeding, he could not file say.

2] The appellant has strongly opposed on the ground that the respondent did not comply with the order passed below Exh.6. Hence, he prayed to reject the application.

3] I heard to both sides at length. I perused record. On 26.09.2019, ‘No Written statement’ order was passed against opponent / respondent. At Exh. 6 dated 30.09.2019 order was passed for “No Fault Liability (NFL)” and it was directed to respondent to deposit Rs.25,000/- within 30 days from the date of the passing of the order. It was also directed to the respondent to pay 7.5 % interest if he failed to pay the NFL amount within 30 days.

4] From the record, it appears that the respondent appeared in the month of April 2019 and thereafter NFL order was passed at Exh.6 as discussed above. It means respondent has knowledge about the order and he was already appeared in this proceeding. Thereafter, as per Exh. 13, 14, 15, 16 and 17, the respondent moved applications for adjournment on various grounds. At Exh.19 also he had moved application and it was decided on 26th October 2021.

5] Thus, it appears that the respondent Tatyaba is aware about the compliance of order passed below Exh.6. In this application, the reason is mentioned about Covid pandemic period however, the record itself shows that the respondent was present in the proceeding and he had moved various applications.

6] However, considering the nature of claim, in my view, it is necessary to set aside No Written Statement order but it requires the compliance of the order passed below Exh.6 regarding NFL amount of Rs.25,000/- and its interest as discussed above. Hence, I proceed to pass the following order:

ORDER

- 1] The application at Exh. 21 is allowed subject to deposit/comply the order passed below Exh. 6 within three days.
- 2] If the respondents failed to comply the NFL order then application Exh. 21 stands rejected.

Sd/-

Satara.
Date : 6th December 2021.

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