

M.A.C.P NO. 58/2023
CNR NO. MHWR010012302023
Shubhangi Vs. Yashwant

ORDER BELOW EXH. 16

1] Present application is filed for permission to file reply in motor accident claim petition. According to non-applicant no. 1 he has not filed the written statement within time and, therefore ex-parte order was passed by this Court. It is further alleged that in the present case it is necessary for the non-applicant no.1 to file this reply so that he can put up his defence.

2] The application is a opposed by the applicant.

3] Heard, both the counsels. It appears from the record that the applicant has filed motor accident claim petition and claimed 37 lacs 70 thousand towards compensation. The present non-applicant no.1 is the driver of the vehicle involved in the accident therefore it is necessary to afford him an opportunity to put up his grievance on merit. No prejudice would be caused to the applicant if the present non-applicant is given a chance to contest the matter on merit. It is cardinal principle of law to decide the matter on merit rather than to shut the doors of justice on them by adopting hyper technical approach hence, the order:

ORDER

- i) The application is allowed.
- ii) Order passed by this Court dated 15.12.2023 in respect of respondent no. 1 is here by set aside and the written statement filed along with this application be taken on record

Date : 15-11-2024

(S.A.S.M. Ali)
Member M.A.C.T.
Wardha