

M.A.C.P. Case No.11/2017
Ramesh+1 Vs. Santosh+1
CNR No.MHWS010001152017

ORDER BELOW EXH.40.

Respondent No.1 has filed application for setting aside no evidence order passed against him. Respondent No.1 submitted that he is not having any concerned with the case. Then also frivolous case is filed against him. During the evidence respondent No.1 could not remain present because he was out of station and this Court has passed the evidence close order against him. Therefore, prayed to set aside no evidence order passed against him.

2. The respondent and claimant has filed say and submitted suitable order may be passed at costs.

3. Heard the advocates of both the sides.

4. I have gone through the record and submission. Then it is found that the claimant has filed the evidence on 30/09/2021. Cross-examination is closed on 14/10/2021. No explanation is given by the respondent No.1 why during the said period he was not present. Therefore, the reason mentioned is not reliable. Matter is 5 years old. However, to give the opportunity and to decide the matter on merits the application can be allowed by imposing the costs. Hence following order.

Order

- 1) Application Exh.40 is hereby allowed on cost of Rs.1,000/- (One Thousand Only).
- 2) Cost be paid to the claimant.
- 3) No evidence order is hereby set aside on payment of costs.
(Dictated and pronounced in open Court.)

Washim
Date : 02/11/2023

Sd/-
(S.S.Ghorpade)
Member
Motor Accident Claim Tribunal, Washim.

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 the Stenographer :	S.V. Dere, (Stenographer Gr.III)
Name of the Court :	Shri. S S.Ghorpade Ad-hoc District Judge-2, Washim.
Date :	02/11/2023
Order signed by the presiding officer on :	02/11/2023
Order uploaded on :	02/11/2023