

IN THE MOTOR ACCIDENT (TRIBUNAL), AT: UNA
MAC-PETITION NO.374/2012
(Old/Original No:- 201/2002)

ORDER BELOW EXHIBIT : 1.

1. On perusal of the record and proceedings of the matter. It appears that the matter is adjourned from time to time before this Tribunal since long. Issues have been framed. The applicant is not remained present before the tribunal since and till date.

2. Today, though repeated call out neither applicant remained present before this tribunal nor even submitted report for time/ adjournment. The right of applicant to produced an Evidence has been closed. So, in view of this, it prima facie appears that the petitioner is not interested to proceed with this claim petition. Tribunal is well aware that being beneficiary legislation, normally the Motor Accident Claim Petition should not be dismissed for default but, as this matter is very old and as discussed above applicant has not remained present since long and it seems that he has lost his interest to proceed with this matter.

3. It appears from the record that petitioner has not produced any is material documents on considering which, tribunal can assess the quantum of compensation. Further, from the record it appeared that Id advocate for applicant has take sufficient time for submission of chargesheet filed in case of accident. Further he has submitted that Police has filed charge-sheet in case of present accident after due investigation, but in that charge-sheet, number mentioned of vehicle involved in the accident, is not matching with the vehicle mentioned as tort-feaser in the present matter. Thus, there is no option available to the Tribunal, but to dismiss the matter.

Further, it is clarified that petitioner would have liberty to file application for restoration and same will be considered, if petitioner is able to show the sufficient cause and come with preparation to adduce evidence.

4. Considering the above discussion, I pass following order in the interest of justice.

ORDER

This MACP is hereby dismissed for default.

No order as to cost.

Pronounced in open court today on 3rd Aug, 2018.

[S.L.Thakker]
Motor Accident Tribunal &
3rd Additional District Judge Una.
U.Id.No.GJ.00588.