

dismissed in default. By filing M.A.C.P. (R.J.E.) No. 7 of 2021, petitioners sought restoration of their claim petition contending that their advocate failed to inform the order passed on 15.01.2019 to them, as he was busy in his sister's marriage preparation. Because of non communication, petitioners could not remain present on 07.2.2019. Reason given by the petitioners was not accepted by the Tribunal and it has rejected the restoration application, holding that the claim petition cannot be restored again and again. The matter is 15 years old and is unnecessarily pending and the applicants are not interested in prosecuting the proceeding.

3. Taking into consideration the fact that the petitioners have filed claim petition seeking compensation for death of their son and as Section 166 of Motor Vehicle Act, 1988, is a beneficial provision, this Court is of the considered view that fair opportunity should be given to the petitioners to contest the claim on merits. Therefore, following order:-

ORDER

- I) The Writ Petition is allowed.
- II) The impugned order dated 24.01.2022 passed in

M.A.C.P. (R.J.E.) No. 7/2021 by the District Judge-6 and E.O.M. of M.A.C.T., Nanded, is hereby quashed and set aside.

- III) M.A.C.P. (R.J.E.) No. 7 of 2021 is allowed.
- IV) It is made clear that the petitioners shall not be entitled to claim any interest for the period between 03.11.2014 to 06.10.2022.

[NITIN B. SURYAWANSHI, J.]