

MACP NO. 17/2023

Oder below Ex. No.- 19 (Application u/s 170 of M.V. Act)

1. Read application. Heard Learned Advocate for insurance company. Perused the record. It appears that the driver and owner of the offending vehicle, though served but not in real sense contested the claim petition. Therefore, it appears that there is collusion between claimant and driver and owner of the offending vehicle. In the circumstances as per provision of Sec. 170 of M.V.Act., opponents have got the triable issue and facts and law and have a contesting value. Therefore, insurer is required to be granted permission to contest the claim petition on all the grounds, irrespective of grounds available under sub-section 2 of section 149 of the M.V.Act. Therefore, application is allowed. The insurance company i.e. opp. No.-3 is permitted to contested the claim petition on all the grounds or any of the grounds that available under sub-section 2 of section 149 of the M.V.Act.

Pronounced and signed in the open Tribunal on this 14 day of JUNE, 2024.

Veraval
Date:-14/06/2024.

(P. S. GADHVI)
M.A.C.T.(Main)
Gir Somnath at Veraval