

MHND010028322019



ORDER BELOW EXHIBIT 45 IN M.A.C.P. No. 354/2019

Sangita and another V/s Mahendra and two others.

This is an application filed on behalf of respondent No.2 with a prayer to grant permission to take all defences available under section 170 of the M.V.Act. It is contended that, respondent No.1 is not contesting the matter strongly by joining hands with petitioner therefore, respondent No.2 gets right to take all or any defence available u/sec. 170 of the Motor Vehicles Act. Hence this applicaton.

2- Petitioner has filed Say on the application and taken objection to take all defences by the Ins. Co. Ltd.

3- I have heard both sides. Gone through record.

4- **Section 170 of the Motor Vehicles Act contemplates- Impleading insurer in certain cases-** Where in the course of any inquiry, the Claim Tribunal is satisfied that -

(a) There is collusion between the person making the claim and the person against whom the claim is made or

(b) The person against whom the claim is made has failed to contest the claim.

5- Perusal of record shows that, petition is proceeded ex-parte against respondent No.1 and as per aforesaid provision section 170-B

petitioner is claiming against respondent No.1 but he failed to contest the claim therefore, respondent No.2 gets right to contest the claim on all or any of the ground available to the person against whom the claim has been made.

6- In view of above reason, application deserves to be allowed. Accordingly, I pass following order.

ORDER.

- 1- Application is allowed.
- 2- Permission granted to respondent No.2 to take all defences available to respondent No.1 u/sec. 170 of the Motor Vehicles Act.
- 3- Cost in cause.
- 4- Dictated in open court.

Date: 31/03/2022

**(U. V. Indapure)
Ad-hoc District Judge-2, &
EOM of M.A.C.T.,Nanded.**

CERTIFICATE

I affirm that the contents of this PDF order are same word to word as per the original order.

Name of the Stenographer	:- Sau. J.D.Kapre, Steno (Grade-I)
Court Name	:-Ad-hoc District Judge-2 & EOM of M.A.C.T., Nanded
Date of order	:- 31/03/2022
Order signed by the Presiding Officer On	:- 31/03/2022
Order uploaded on	:- 01/04/2022