

39
28.08.2023

Today is fixed for OPW and DCF.

Both the parties are represented through the respective Ld.advocates and on their lawyer's haziras are filed.

On behalf of the insurance company one petition is filed with prayer for exhibiting documents filed as per list, copy of which has already been served.

Ld.advocate for the claimants raises no objection.

Considered.

In the accident there were loss of three lives. In respect of death of Sk Ansar Ali, MACC no.214/2016 was filed. In that case certain witnesses are examined. Ld.advocate for the insurance company wants to exhibit those depositions in connection with this case, besides certified copy of letter of authorization issued by RTO, certified copy of letter addressed to this tribunal dt.24.06.2023 issued by RTO, certified copy of permit details in respect of vehicle being no.WB-23B/7185 and certified copy of extract of driving licence of Jiyarat Ali. The victim of this case and of MACC no.214/2016 expired in the same accident. Thus it seems to me all these documents are relevant to the issue.

Accordingly I am of the humble view that these documents should be made part of evidence. So certified copy of, PW-01, OPW-01, OPW-02, letter of authorization issued by RTO, letter addressed to this tribunal dt.24.06.2023 issued by RTO, permit details in respect of vehicle being no.WB-23B/7185 and extract of driving licence of Jiyarat Ali should be marked particularly when formal proof is dispensed with by the Ld.advocate for claimants.

Hence the petition dt.28.08.2023 filed on behalf of insurance company for exhibiting the documents as per list is allowed on consent without cost.

Let the certified copy of, PW-01, OPW-01, OPW-02, letter of authorization issued by RTO, letter addressed to this tribunal dt.24.06.2023 issued by RTO, permit details in respect of vehicle

contd.....

M.A.C.C. no.215/2016
Reg No.132/2017 (CNR No.WBBB01-000738-2017)

Order no.39 dt.28.08.2023 (contd.....)

being no.WB-23B/7185 and extract of driving licence of Jiyarat Ali be marked as **Exbt.A to G respectively**.

On perusal of the case record and hearing the Ld.advocates, it seems to me that issues are required to be recast. Accordingly issues are recast in separate sheet and be kept with the record.

Ld.advocates for the insurance company submits that they will not submit additional written statement as they have already filed the written statement covering all the recast issues. They also submit that they will not adduce any evidence.

Ld.advocate for the claimants also submits that they will not examine any witness.

Considered.

Evidence of both the parties are closed.

Record is taken up for hearing argument.

Heard the argument advanced on behalf of the respective parties.

Considered.

To 29.08.2023 for DCF and delivery of judgement.

Dictated and corrected

Judge, M.A.C.Tribunal,
Suri, Birbhum

Judge, M.A.C.Tribunal, Suri, Birbhum
cum-Addl.Dist.Judge, 4th Court, Suri
JO Code-WB00646