

Before the Motor Accident Claims Tribunal,
Rampurhat, Birbhum
Present : Sudipta Bhattacharjee
Judge, MAC Tribunal, Rampurhat

MACC No.35/2019
CNR no.WBBB05-000398-2019

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02.03.2021 Today is fixed for hearing of the petition of OP.

The parties filed haziras.

At this stage the case record is taken up for vacating the order of exparte and for acceptance of written statement on behalf of the op/insurance company (ICICI Lombard Ins.Co.Ltd).

Perused the petition. Heard both sides.

The OP/ins.co. on 13.10.2020 filed vokalatnama along with a petition for vacating the order of exparte and the written objection.

Ld.lawyer of OP/ins.co. by placing the petition supported by verification submitted that the OP/ins.co could not appear as the notice was being misplaced and as such engaged lawyer could not appear before the tribunal. It is completely unintentional fault on the part of OP/ins.co. The OP/ins.co. is willing to contest the case.

The claimant raised objection.

From the case record and also from the submission of the Ld.lawyer for the insurance company it clearly transpires that the delay is unintentional on the part of insurance company and the OP/insurance company showed its willingness to contest the case. Since it is a MAC Tribunal and OP/ins.co willing to contest the case, I am inclined to allow the prayer of vacating the exparte order.

Let the exparte order be vacated and let the W/O be accepted.

Fix 23.04.2021 for issue.

Dictated and corrected

Sd/-S.Bhattacharjee
Judge, M.A.C.Tribunal,
Rampurhat

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