

Order No. 18  
15-01-2026

Today is fixed for hearing of the MACC.

Both parties file their respective haziras.

The instant motor accident claim case was instituted on 31.07.2023.

Summons upon the parties were duly served but none appeared. As such the MAC case proceeded ex parte against the O.P. No. 1(Owner of the offending vehicle) and the O.P. 2 (Insurer of the offending vehicle).

On 25.6.24 the petitioner examined himself as PW-1 and the record was fixed for further evidence. In the mean time, the O.P. appeared before the Court and filed written statement and filed an application for vacating the ex parte order. Even prior to that the O.P. No. 2 had filed two application; one under Order VII and Rule 11 of the C.P.C. and another for a direction upon the investigating officer of Paikar PS. Case No. 100/2022 to comply with Section 159 of the MV Act.

The application under section 159 of the MV Act was heard on 22.09.2025 and the O/C Paikar P.S. was directed to comply with the same. Pursuant thereto, the O.C Paikar P.S. submitted a detailed report on 20.11.25.

With regard to the application Under Order VII Rule 11 (d) of the C.P.C. This Court had opined on 22.09.25 itself, that the claim petition filed under section 164 of the MV Act would not come within the ambit of Order VII Rule 11(d) of the C.P.C. To expand upon the same a step forward, the Hon'ble Apex Court in a judgment delivered on 07.11.2025 in ICCI Lombard vs Ayiti Navaneetha and Ors, in SLP (C) No. 8412-8413/2023 stayed the six month deadline to file motor accident claim cases. Accordingly, the application filed by the O.P. NO. 2 for rejection of the claim was rejected on 22.09.25 itself, even though there may not have been a formal objection in this regard.

Further, since the written objection has already been filed by the O.P. No. 2 and there is no ground to dismiss the MAC Case at this stage, couple with the fact that the O/C Paikar P.S. has complied with the mandate of Section 159 of the MV Act, I find no reason not to vacate the ex parte order in terms of the application filed by the O.P. No. 2 in this regard on 22.09.25. Accordingly, the ex parte order is set aside and the W/S and W/O filed on 22.09.2025 is hereby accepted.

Fix **11-03-2026** for framing of issues.

(Dictated & Corrected by me)

MAC Tribunal  
A.D.J. Birbhum  
at Rampurhat,  
J.O Code WB00885

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