

M.A.C. Case No. 02 of 2016

Order No. 55

28.10.2025

Petitioners and OP No. 2/Cholamandalam MS General Insurance Company Limited file hajiras. Petitioners file written objection against the OP's application under Order 22 Rule 4 read with Section 151 of CPC. The application under Order 22 Rule 4 read with Section 151 of CPC is taken up for hearing.

Heard Ld. Lawyer for the petitioners and OP No. 2. Perused the application, written objection and claim-application. Considered.

It appears from the instant application that it has been contended by OP No. 2 that previous policy issued in favour of the offending vehicle by United India Insurance Company Limited was found fake and tampered and as such, the name of OP No. 2 should be expunged. In the written objection, it has been claimed by Ld. Lawyer for the petitioners that the policy particulars provided by the petitioners, issued by OP No. 2, was valid from 24.07.2015 to 23.07.2016 and the accident occurred on 25.07.2015. So, the application should be rejected.

It appears from the instant application that OP No. 2 has not claimed that the policy allegedly issued by OP No. 2 as mentioned in the claim-application is fake or tampered. OP No. 2 has claimed the previous policy as fake. Since it has not been shown before this court at the time of hearing of this application that the policy issued by OP No. 2 as mentioned in the claim-application is fake or tampered, there is no scope for this court to allow the instant application. The instant application is devoid of any merit and is liable to be rejected.

Hence, it is ordered that the instant application under Order 22 Rule 4 read with Section 151 of CPC is hereby rejected on contest without cost.

To 24.12.2025 for P.H.

Dictated and corrected by me.

Judge, 3rd M.A.C. Tribunal,
Burdwan.

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Burdwan.