

M.A.C 50 of 2012

Present : Varsha Bansal Agarwal
Additional District Judge,
2nd Court, Burdwan, Purba Bardhaman

Order No. 68.

Dated – 18.01.2025.

Today is fixed for hearing of petition under Sec. 169(2) of MV Act and petition u/s 170 of M.V. Act.

Now, application u/s 169(2) of M.V. Act is taken up for hearing.

Ld. Advocate for the petitioner submits that after filing of the claim application the O.P only received the notice without any copy of documents on which the claimant relied upon. In the circumstances, to contest the case the O.P prays for direction upon the claimant to supply the copies such as copy of FIR, charge sheet, medical papers, copy of driving licence and copy of policy etc.

Ld. Advocate for the petitioner submits that though summon has been served but inspite of that he is ready to supply the copy of documents claimed by the O.P.

Heard, considered and after perusing the materials on record I find that it is admitted position that to contest the case the relevant documents as mentioned in the application u/s 169(2) of M.V. Act is very much required. In the circumstances, the prayer of the O.P as mentioned in application u/s 169(2) of MV Act is hereby allowed. The claimants are directed to supply the copies such as copy of FIR, charge sheet, medical papers, copy of driving licence and copy of policy to the O.P on the next date positively.

Another petition u/s 170 of M.V. Act is also taken up for hearing in which Ld. Advocate for the OP prayed for granting leave to OP to conduct and contest the instant claim on merits in terms of Sec. 170 of MV Act besides the statutory defence available to the O.P. The prayer of the petitioner is heard, considered and allowed.

Ld. Advocate for the claimants filed one petition for seeking time for supplying the relevant papers which are kept in the court of Ld. CJM, Purba Bardhaman. The prayer of Ld. Advocate for the claimants is hereby allowed with direction to submit the same on the next date positively i.d necessary order shall be passed.

Fix 20.02.2025 for supply of copy to the O.P no.2 and framing of issue.

Dictated & corrected by me

Sd/-

A.D.J

Sd/-

Additional District Judge,
2nd Court, Purba Bardhaman