

M.A.C. Case No. 133/2021
Present: Sudeep Banerjee
Judge MACT 4th Court, Burdwan.

Order No.14, dated 06.03.2024

Both parties file their respective haziras. Ld. Advocates of both sides are present. Today is fixed for hearing of the two petitions U/s 169(2), and 158(6), of the M.V.Act, dated 24.11.2023.

Ld. Advocate of both sides submits that the petitions filed by the insurer U/s 158(6) , 169 (2) M.V.,Act are still pending, and they prayed for disposal of the said two applications.

Now both the petitions dated 24.11.2023 are taken up for hearing on consent of both the sides one after another.

In view of the above the petition filed by the O.P. No. 2 Insurance Company U/s 158(6) of the M.V. Act dated 30.05.2016 is taken up for hearing first.

Heard both sides. Seen the petition and the record.

By filing this petition the insurer sought for a direction upon the Officer-In-charge of the Monteswar Police Station , to submit Accident Information Report in form 54 of Central Motor Vehicles Rules in connection with Bhatar P.S. Case No. 52/2021 dated 15.02.2021 U/Ss 279/337/338/304A/427 I.P.C. on the grounds stated there in.

In a judgement reported in 2007 (4) T.A.C. 24 (SC), Hon'ble Apex Court had been pleased to issue a direction upon all the States and Union Territories to instruct all the police stations about the need to comply with the requirements indicated in Rule 159 and in Form 54 of the said Rules.

Hence, considering the above judgement of the Hon'ble Apex Court and also the requirement, the Officer In- charge of Monteswar Police Station is hereby directed to submit Accident Information Report in Form 54 of C.M.V. Rules, in respect of with Bhatar P.S. Case No. 52/2021 dated 15.02.2021 U/Ss 279/337/338/304A/427 I.P.C before this court by the next date fixed positively. With the above direction the petition U/s 158(6) of the M.V.Act, is disposed of.

Now, the application filed by the insurer U/S 169(2) of the M.V. Act is taken up for hearing .

Heard both sides.

Perused the petition and the record.

By filing this application the insurer sought for a direction upon the petitioner to supply copies of the documents upon which they want to rely in support of their case enabling them to defend this case on the grounds that no such document has been supplied to them.

Considering the above facts and circumstances and also the position of law, the prayer made by the insurer is allowed.

The petition is directed to supply copies of the documents upon which they want to rely in support of their case to the O.P. No. 2/ Insurance company by the next date fixed positively . With the above direction the petition U/s 169(2) is disposed of.

To 10.04.2024 for report, supplying of copies and for framing of issues.

Let extract of this order be sent to the O/C Bhatar P.S. for information and compliance.

Dictated & corrected by me,

Sd/-

Judge MACT 4th Court
Burdwan

Sd/-

Judge MACT 4th Court
Burdwan.