

MAC Case No. 149 of 2025

Order No. 07

16.07.2026

Petitioner and OP No. 4 are present by filing hajira.

Today, the case is fixed for P.H.

Ld. Advocate for the OP No. 4, The New India Assurance Company Ltd. submits that due to slip of pen, the order no. 6 dated 27.03.2026 has been erroneously recorded and the WS along with other applications filed by the OP No. 4 were not recorded. Therefore, he prays for passing necessary order.

On perusal of the case-record, it is seen that on 21.11.2025, the case against OP No. 1 and OP No. 3 has been fixed for exparte hearing and as the S/R upon OP No. 2 was not received, the dated was posted for S/R upon OP No. 2 and filing W/S by OP No. 4 on 27.03.2006. While passing this order dated 27.03.2006, due to clerical error, the application under Section 169(2), Section 158(6) and 170 of MV Act along with written statement filed by this OP No. 4 has been omitted and not written in the order. It is also seen that the direction to take step upon OP No. 2 has also been omitted.

Therefore, the petitioner is hereby directed to take proper steps upon the OP No. 2.

Upon hearing the petition from the OP No. 4, I am of the view that the petition u/s 170 as well as other two applications u/s 158(6) and 169(2) of MV Act should be allowed.

The petitioner is directed to supply the copy of the documents as mentioned in the application u/s 169(2) of MV Act filed by the OP No. 4.

As this court has not received any accidental information report from the concerned PS, accordingly, OC, Dewandighi PS is directed to submit the accidental report in Form 54 of Central Motor Vehicles Rules regarding the accident of vehicle number WB-41A/0501 (Bus) occurred on 21.03.2025 by the date fixed.

Inform the concerned PS.

The OP No. 4 has also prays for leave to contest this case on merit as the OP No. 3 has not contested the same. Considering the fact, the OP No. 4 is permitted to contest the case on merit in terms of Section 170 of the MV Act besides the defence available to the OP No. 4 u/s 149 of MV Act.

To 09.10.2026 for steps upon OP No. 2 and filing documents and report.

Let a copy of this order be sent to the OC, Dewandighi PS for information necessary compliance.

Dictated & Corrected by me.

Additional District Judge, 3rd Court,
Burdwan

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