

MACC 76 of 2017
CIS 497 of 2017

Order No. 33.

Dated – 16.05.2025.

Today is the date fixed for P.hearing.

Ld. Advocate for the petitioner filed one petition for issuance of witness to summon upon OP no.3 and OP no.4 after supplying the copy to them.

Ld. Advocate for the petitioner submits that the claimant has no copy of insurance policy of two vehicles issued by OP no.3 and OP no.4. As such, they should be called upon to produce those documents on dock.

Ld. Advocate for OP no.3 raises vehement objection and submitted that for supplying the insurance policy, witness is not required. As such, he prays for rejection of the petition.

Ld. Advocate for OP no.4 submitted the same fact as stated by OP no.3.

Heard, considered and after perusing the materials on record this court finds that it is fact that for supplying of document, calling upon the witness is not required. As such, the petition filed by claimant is found to be not proper and is rejected without any cost.

Now, the petitioner / claimant files another petition with prayer of supplying the insurance policy issued by OP no.3 and OP no.4 and submits that those policy papers are very much required for just decision of this case. As such, prayer be allowed.

Ld. Advocate for OP no.3 submitted that the case was filed in the year 2017 but till date no prayer is made for supply of insurance policy. Actually for sake of getting huge interest, Ld. Advocate for petitioner made this prayer after passing of 7 years. If petitioner is intending to forgo the interest in the present case, then the prayer of the petitioner be allowed, otherwise, the petitioner are not entitled to get the insurance policy in the later stage and his petition be rejected.

Ld. Advocate for OP no.4 submitted that he would left the matter on the discretion of the court.

Heard, considered and after perusing the materials on record this court finds that admittedly the petition for supplying the copy of insurance policy is filed while the case is fixed for P. hearing which is after passing of about 7 years from the date of institution of the case but it also cannot be overlooked that M.V case is beneficiary Act and for the fault on the part of the Advocate, party shall not be suffered.

Considering the above facts and circumstances and the moto of the Act, the prayer of the petitioner is hereby allowed without any order as to cost.

Ld. Advocate for OP no.3 and OP no.3 are directed to supply the copy of insurance policy on the next positively.

Ld. Advocate for claimants are directed to be ready to proceed with the case by adducing evidence.

Fix 03.07.2025 for P. hearing and supply of copy

Dictated & corrected by me

Sd/-

A.D.J

Sd/-

Additional District Judge,
2nd Court, Purba Bardhaman