

MACC : 10 of 2023

Pre :Sri Chiranjib Bhattacharya (J.O. Code-WB00718), Judge,MACT, Kalna,
Purba Bardhaman.

Order No. 14 dated 03-01-2026

Ld. Advocate for the petitioner is present.

Ld. Advocate for OP No. 2 is also present.

Ld. Advocate for the petitioner submits that on 14-12-2023 a petition was filed to expunge name of petitioner No. 1 Bipul Mondal as he is dead and since the claim in respect of death of minor son of the petitioners and mother of the deceased is already on record no one is required to be substituted.

Considered the submission.

From the cremation certificate issued by Kalna Municipality it appears that petitioner No. 1 died on 18-11-2023. In view thereof his name is expunged.

BC-I is directed to make necessary note in the cause title.

Ld. Advocate for OP No. 2 submits that he also filed a petition u/o 1 Rule 10(2) of CPC which can be considered. He further submits that no policy of insurance was ever issued by OP No. 2 in respect of vehicle No. WB-91/6252 and the policy is a fake one.

Ld. Advocate for the petitioner submits that this policy was seized by the police during investigation and whether it is fake or not can only be decided at the stage of trial but not at this preliminary stage.

Considered the submission. It appears from the copy of the policy that policy No. OG-23-9905-1806-00541114 in the name of Binoy Kumar Pandey is lying with the record in respect of vehicle No. WB-91/6252. Therefore, prima facie it appears that the policy was issued in favour of OP No. 1 and therefore, this can be decided only after conclusion of trial and not at this stage. Both parties are at liberty to lead evidence in support of their respective contention at the time of trial.

To 21-03-2026 for SR/AD and appearance of OP No. 1.
Dictated & corrected by me,

Judge, MACT, Kalna

Judge, MACT, Kalna