

Motor Accident Claim Case No. 02 of 2024

(CNR No. WBCB01-000048-2024)

**Present : Subrata Ch. Polle, (WB01273)
Judge, MAC Tribunal cum District Judge
Cooch Behar**

02

21/03/2024

Today is the date fixed for service return.

On prayer of *Sri Sudip Das*, learned counsel who uses to represent *Royal Sundaram General Insurance Company Ltd.* in this Court, time is granted to file a *vokatnama* on behalf of the said company.

Mr. Shah Nawaz Ahmed learned counsel for the claimants is directed to furnish all the documents in filing the claim application to *Sri Sudip Das* learned counsel to enable the Insurance Company to prepare and file the written statement without any delay and file a compliance report on the next date.

The delivery status report downloaded from the official website of the India Post indicates that the article was delivered to Opposite Party No. 1 on 27/01/2024. The original postal receipt, delivery status report submitted by the claimants, and the report of the process server furnished today be kept on record.

The learned counsel for the claimants has submitted to accept the service upon the Opposite Party No. 1 as good service.

Having heard the counsel and having gone through the materials on record, it appears that the postal article has been delivered to the owner of the alleged offending vehicle / Opposite Party No. 1 on 27/01/2024. Accordingly, the service of notice upon Opposite Party No. 1 through registered post was effective and valid.

No step is taken by the Opposite Party No. 1 today.

On repeated calls, none appears for the Opposite Party No. 1.

Accordingly, the case is fixed ex parte against Opposite Party No.1.

The Officer-in-charge, Kotwali P. S., Cooch-Bihar is directed to furnish a report under **Form 54** in respect of the road traffic accident took place on 16/08/2018 [Kotwali P. S. Case No. 496 / 2018, dated 25/08/2018] in compliance with the direction passed by the Hon'ble Supreme Court of India in the cases of **Puttamma -versus- K.L. Narayana Reddy** reported in (2013) 15 SCC 45, and or, in **General Insurance Council -versus- State of A.P.** reported in (2007) 12 SCC 354 and section 159 of the Motor Vehicles Act, 1988 as amended up-to-date.

A copy of this order be communicated to the Officer-in-charge, Kotwali P. S., Cooch-Bihar for compliance by the next date fixed below.

Fix **10/05/2024** for submitting Accident Information Report in **Form 54** by the police authority, and filing written statement by Opposite Party No. 2.

Sd/- S.C.Polle

**Judge, MAC Tribunal cum District Judge
Cooch Behar**