

Motor Accident Claim Case No. 39 of 2022
CNR No. WBCB01-003009-2022

Present : Subrata Ch. Polle,
Judge M.A.C. Tribunal, Cooch Behar
WB01273.

05

09/08/2023

Today is the date fixed for filing written statement by opposite party No. 1 and service return in respect of opposite party No. 3.

Learned counsel appearing for the claimants has submitted original postal receipt and delivery status report in respect of opposite party No. 3 of the claim application.

On perusal of the same, it appears that articles were booked on 07/07/2023 and the same was attempted to deliver on 15/07/2023, however, the same cannot be delivered on the ground that door of the addressee was locked.

In terms of judgment in the case of **Vishwabandhu -versus- Krishna** reported in **2021 0 Supreme (SC) 552**, an endorsement to the effect “door locked and intimation served” appears to be good service.

Accordingly, service upon opposite party No. 3 is accepted.

Despite repeated calls, none appears for opposite party No. 3.

Accordingly, the case is fixed ex parte against opposite party No. 3 in this case.

The Investigating Officer, Kotwali P.S. Case No. 590 of 2018 dated 04/10/2018 is directed to produce the sketch map of the accident, and insurance particulars of both vehicles Nos. WB 64 C / 7716 and WB 72G / 1648 along with separate Form 54 in terms of section 159 of the Motor Vehicles Act, 1988 as amended upto date.

A copy of this order be communicated to the Investigating Officer, Kotwali P.S. in respect of the above noted case.

On prayer of learned counsel appearing for the opposite party No. 1, further opportunity is granted to file written statement on the next date positively.

Fix **25/09/2023** for the report of the police authority and written statement by opposite party No. 1.

Sd/- S.C.Polle
Judge, MAC Tribunal cum District Judge
Cooch Behar