

MACC 129/21
Reg no. 359/21
WBEM01-00 1939-2021

Order no. 12 dt. 12-04-24.

Today is fixed for hearing of ex parte vacate petition dt. 24.07.23 and show cause petition filed on behalf of OP no. 2/ insurance company.

Both parties file their respective hazirans through their respective Id. Advocates.

Record is taken up for hearing of the said petition of ex parte vacate dt. 24.07.23 with show cause petition, filed today on behalf of the OP no. 2 / insurance company.

Heard Id. Advocates of both sides. Perused the instant application dt. 24.07.23 and other materials on record.

It appears that vide order no. 08 dt. 01.02.23 the instant MAC case was fixed for ex parte hearing against the OP no. 2 / insurance company for their non appearance. But on 24.07.23 , the OP no. 2 / insurance company files WS and prays to vacate the order of ex parte hearing, passed against them by filing the instant application. On that date they also filed show cause.

No objection is raised on behalf of the claimant in this respect.

Considered.

It appears to me that for coming to the just decision of the instant MAC case, the OP no. 2 / insurance company be given a chance to contest.

Accordingly, I am inclined to allow the prayer of the OP no. 2 / insurance company in this respect.

Hence, the order of ex parte hearing, passed against the OP no. 2 / insurance company vide order no. 08 dt. 01.02.23 is hereby recalled. The WS, filed by the OP no. 2 / insurance company be accepted.

Fix **05.06.24** for for filing fresh requisites against OP no. 1 and for further order.

D/C by me.

Sd/-

Judge, MACT,
Tamluk.
JO code WB00711

Sd/-

Judge, MACT, 3rd Court.
Tamluk.