

CNR WBEM01 002369-2023, CIS Regd No.338 of 2023

Present : Mandip Saha Roy, JO Code No.WB00986, Ld. Judge, M.A.C.T. cum
A.D.J.,F.T. 1st Court,Tamluk, Purba Medinipur

MACC No. 338 of 2023

Order No.08

Dated 09.09.2024.

Today is fixed for hearing of the petition dated 08.08.2024.

Claimant files hazira.

OP.No.1 appeared and filed W/S on 04.10.2023. But the OP.No.1 did not turn up before this Tribunal since long. **Accordingly, the case shall run exparte against OP.No.1.**

OP.No.2 files hazira.

OP.No.2 filed a petition for vacating exparte along with a petition under Section-169(2) of M.V. Act and also petition under Section-170 of M.V. Act., and petition under Section 158(6) of M.V. Act on 08.08.2024.

The petition for vacating exparte is taken up for hearing.

Heard Ld. Advocate for both sides.

Perused. Considered.

Since the OP.No.2 has duly filed the W/S on 08.08.2024 and intends to contest the case, I find no reason to discard the prayer of OP.No.2.

The prayer for vacating the order of exparte hearing against OP.No.2 is hereby allowed.

The order dated 08.08.2024 fixing the case for exparte hearing against OP.No.2 is hereby vacated.

The OP.No.2 is also permitted to contest the case on merit in terms of section 170 of M.V Act.

The petition under Section-169(2) of M.V.Act is allowed. OP.No.2 is permitted to contest the case on merit.

Petitioner is directed to file necessary documents before this Tribunal to serve the OP.No.2.

Subsequently Ld. Advocate for the petitioner files some documents by firsti on 09.09.2024. Copy served.

The petition under Section 158(6) of M.V. Act is taken up for hearing.

The contention of the petition that in case of the compliance of the provision of Section 158(6) of M.V. Act for sending the copy of such information of accident to the petitioner in Form No.54 rule 150 (1) (2) in C/W Tamluk P.S for direction upon I/C, Tamluk P.S.

The petition u/Sec.158(6) of M.V. Act is allowed.

I/C, Tamluk, P.S is directed to submit a report in respect of the contention of the petition of the petitioner in the next date fixed.

Subsequently Ld. Advocate for the petition filed some documents by firsti.

Fix 13.11.2024 for framing of issues.

Dictated and corrected by me.

Judge, M.A.C. Tribunal ,
Cum Addl. District Judge,
Fast Track Court-1,
Tamluk, Purba Medinipur.

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cum Addl. District Judge,
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