

MACC-654/2021
(CNR WBEM-01-001564-2023)

Present :Sri Shib Shankar Ghosh,JO Code No WBJO -00872 , Motor Accident Claim
Tribunal Fast Track 1st Court, Tamluk

Order No. 11

Dated 26.08.25

Today is fixed for payment of DCF and exparte hearing.

A petition is filed by ld. Lawyer for claimants praying for time for exparte hearing of the case on the ground stated therein.

A petition is filed from the side of insurance company praying for vacating the order of exparte hearing of the case on the ground stated therein. With said petition, WS is also filed by them and Another petition is filed by insurance company under section 169(2) of M. V. Act read with section 151 of CPC as well as Order 7, Rule 14 thereof, praying for a direction upon claimants to produce the documents as mentioned in the petition itself. Copy of petition for vacating the order of exparte hearing of the case as well as copy of WS are served upon ld. Lawyer for claimants.

The petition for vacating the order of exparte hearing of the case is taken up for consideration.

Heard ld. Lawyer for insurance company. Perused the petitions and record as well. Insurance company has filed their written statement. They want to contest the claim of the claimants. Needless to state, every case is required to be disposed of on merit in an adversarial system. As insurance company intends to contest the claim of the claimants, they should be given a chance to do so. Thus, prayer contained in the petition is allowed. The order of exparte hearing of the case is vacated. Consequently, WS is accepted. Petition for vacating the order of exparte hearing of the case, thus, stands disposed of, on contest.

Next petition in queue filed by insurance company is taken up for consideration.

Heard ld. Lawyer for insurance company. Objection is raised from the side of claimants. Perused the petition under section 169(2) of M. V. Act and record as well. By the petition insurance company has prayed

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for a direction upon claimants to produce documents in support of the claim application. As owner is not contesting the case, to have a valid defence as well as to counter the claim of the claimants, said documents are required to be produced before the Tribunal. I, therefore, find merit in the case of insurance company which of why their prayer is allowed.

Claimants are directed to produce by the next date fixed all the documents in original and xerox as mentioned in the petition of insurance company.

With these, petition stands disposed of, on contest.

In view of the above development, prayer of claimants for time for exparte hearing loses it's force and accordingly, is disposed of.

Record is now taken up for framing of issues.

Heard ld. Lawyers for claimants and insurance company. Perused the claim petition and written statement. Considered. Issues are framed in separate sheet. Let the same be kept in the record.

Claimants are directed to pay the DCF on the next date. They are further directed to furnish up-to-date bank account details by the next date fixed so that if their claim succeeds, claim amount can directly be credited to their bank account by insurance company

Next date is fixed on **04.11.25** for production of documents, payment of DCF and furnishing of bank account details by claimants, if not furnished meanwhile and evidence.

sd/-
D/C

ADJ, FTC-I, Tamluk
cum MACT, Tamluk,
Purba Medinipur,
JO-WB872

MACC-654/2021
(CNR WBEM-01-003362-2021)

DATE :- 26/08/2025

Present :Sri Shib Shankar Ghosh,JO Code No WBJO -00872 , Motor Accident Claim
Tribunal Fast Track 1st Court, Tamluk

ISSUES

1. Is the claim case maintainable in its present form and law ?
2. Did **SK Sabir** die in road traffic accident as narrated in the claim petition ?
3. Was the vehicle bearing registration No. WB-32H/8827 (Maruti Car) was involved in said accident ?
4. Did the said accident occur due to rash and negligent driving of the vehicle bearing registration No. WB-32H/8827 (Maruti Car) by it's driver ?
5. Was the vehicle bearing registration No. WB-32H/8827 (Maruti Car) covered during the above relevant period by an Insurance policy issued by insurance company ?
6. Are the O.Ps liable to pay compensation for the death of **SK Sabir**.
7. To what other relief or reliefs, if any, petitioners are entitled ?

ADJ, FTC-I, Tamluk
cum MACT, Tamluk,
Purba Medinipur,
JO-WB872