

M.A.C.C. No. 52 of 2024

CNR No. WBEM 0100 0551 2024
Present: Shri Annada Sankar Mukhopadhyay
Judge, Motor Accident Claim Tribunal -cum- A.D.J. 4th
Court, Tamluk, Purba Medinipur.

Order No.-10 Dated 17.05.2025

Today is fixed for P.H.

Claimants file hazira through Ld. Advocate.

O.P. No. 2 (Insurance Co.) also files hazira through Ld. Advocate.

Ld. Advocate for the O.P. No. 2 (Insurance Co.) files an application u/sec. 170 of M.V.Act. praying for granting leave to the petitioner to adduce the claim case on merit in accordance with the view expressed by the Hon'ble Supreme Court in accordance with under section 170 of M.V.Act.

Heard Learned Advocates for the both sides.

The prayer is hereby considered and allowed on consent of both the parties.

Claimants file some documents as per list.

Copy is served.

Let the same be kept with the record.

Petitioner/Claimant, Alpana Jana files her written examination-in-chief in the form of affidavit.

She is examined in chief in full as P.W. 1, cross-examined in full and then discharged.

Certified photocopy of Formal FIR is marked as **Exhibit -1.**

Certified photocopy of written complaint is marked as **Exhibit-2.**

Certified photocopy of charge sheet is marked as **Exhibit -3.**

Certified photocopy of three seizure lists dated 19.12.2023 and 23.01.2024 are marked as **Exhibit- 4 collectively.**

Attested copy of Insurance Policy Certificate marked as **Exhibit -5.**

Attested copy of P.M. report is marked as **Exhibit-6.**

At this stage, Ld. Advocate for the claimants file a petition praying for time for adducing further evidence on the ground as stated therein.

Heard. Considered and prayer is allowed.

Fix **09.07.2025** for further evidence of petitioners/claimants.

Dictated & Corrected by me

Sd/-
Judge, M.A.C. Tribunal,
Addl. District Judge,
4th Court, Tamluk.
(JO WB00863)

Sd/-
Judge, M.A.C. Tribunal,
Addl. District Judge,
4th Court, Tamluk.
(JO WB00863)

M.A.C.C. No. 795 of 2023
CNR No. WBEM 0100 5326 2023
Present: Shri Annada Sankar Mukhopadhyay
Judge, Motor Accident Claim Tribunal -cum- A.D.J. 4th
Court, Tamruk, Purba Medinipur.

Order No.-07 Dated 04.07.2024

Today is fixed for P.H.

Claimants file hazira through Ld. Advocate.

O.P. No. 2 (Insurance Co.) also files hazira through Ld. Advocate.

Ld. Advocate for the O.P. No. 2 (Insurance Co.) files an application u/sec. 170 of M.V.Act. praying for granting leave to the petitioner to adduce the claim case on merit in accordance with the view expressed by the Hon'ble Supreme Court in accordance with under section 170 of M.V.Act.

Heard Learned Advocates for the both sides.

The prayer is hereby considered and allowed on consent of both the parties.

Claimants file some documents as per list.

Copy is served.

Let the same be kept with the record.

Petitioner/Claimant, Afruja Bibi files her written examination-in-chief in the form of affidavit.

She is examined in chief in full as P.W. 1, cross-examined in full and then discharged.

Certified photocopy of Formal FIR is marked as Exhibit -1.

Certified photocopy of written complaint is marked as Exhibit-2.

Xerox Certified Copies of two seizure list dated 05.10.2023 are marked as Exhibit -3 & Exhibit -3/1.

Certified photocopy of zimmanama is marked as Exhibit- 4.

Downloaded copies containing details of the offending vehicle are marked as Exhibit -5 on consent.

Certified photocopy of P.M. report is marked as Exhibit-6.

Printed bank statement of Axis Bank in respect of customer id no. 911374490 from 06.04.23 to 09.08.23 is marked 'X' for identification.

Copy of insurance policy of United India Company Ltd. In the name of Parimal Mallick is marked as Exhibit -7 on consent.

At this stage, Ld. Advocate for the claimants file a petition praying for time for adducing further evidence on the ground as stated therein.

Heard. Considered and prayer is allowed.

On perusal of the case record, it reveals that the Accident Information in form no. 54 in connection to Sutahata PS case no. 350 of 2023 dated 27.09.23 is not lying with the case record and the said P.S. has not complied with the provision of section 158(6) of Motor Vehicle Act by submitting Accident Information Report in form no. 54.

In view of the direction of Hon'ble Supreme Court in **Gohar Mohammad V Uttar Pradesh State Road Transport Corporation and Others** [Civil Appeal no. 9322 of 2022], the Director General of Police of all States were instructed to pass necessary directions for complying the provision of section 158(6) of Motor Vehicle Act and to submit Accident Information Report in form no. 54 accompanied with copies of FIR, site sketch map, photographs, Insurance Policy to the Jurisdictional MACT within thirty(30) days of registration of the FIR. From the petition of the claimant it appears

M.A.C.C. No. 795 of 2023

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that the FIR was registered on 27.09.23 but till date no such Accident Information Report in form no. 54 is submitted by Officer-in-Charge of Sutahata PS, so far the case record is concerned.

The Office-in-Charge of Sutahata PS is directed to show cause as to why he did not comply the direction of Hon'ble Supreme Court referred above within seven(7) days of this order.

The copy of this order sheet be sent to the Office-in-Charge of Sutahata PS immediately for his compliance with a copy to Superintendent of Police, Purba Medinipur for his information.

Fix **07.08.2024** for further evidence of petitioners/claimants.

Dictated & Corrected by me

Sd/-
Judge, M.A.C. Tribunal,
Addl. District Judge,
4th Court, Tamluk.
(JO WB00863)

Sd/-
Judge, M.A.C. Tribunal,
Addl. District Judge,
4th Court, Tamluk.
(JO WB00863)

Office of the Motor Accident Tribunal-cum- A.D.J., 4th Court, Tamluk.

Memo No.

Dated : 04.07.2024

Let a copy of this order be forwarded to the Superintendent of Police, Purba Medinipur for his information.

Judge, M.A.C. Tribunal -cum-
Additional District & Sessions Judge,
4th Court, Tamluk, Purba Medinipur.