

M.A.C.C. 01 / 2023

Order No. 19 dtd. 08.12.2023

Claimant files hazirah. Petitioner Trishna Sasmal also files hazirah.

A petition is filed on behalf of O.P. Lila Sinha praying for time for filing written objection on the ground stated therein.

The petition is taken up for hearing.

Heard. Perused. Considered.

Prayer for time for filing written objection is allowed as last chance.

Today this case is fixed for hearing of application under Order 1 Rule 10(2) read with section 151 C.P.C. filed by applicant Trishna Sasmal. Accordingly, the application is taken up for hearing.

Heard Ld. Lawyer for the claimant and Ld. Lawyer for applicant. Perused the application and the affidavit. Considered.

No written objection has been filed on behalf of the claimant.

In the instant petition the applicant has claimed that she is mother of victim Saikat Sasmal, since deceased, one of the legal heirs of the deceased and as such, she is also entitled to compensation on account of accidental death of victim in view of the provisions of section 163A of Motor Vehicles Act. It has not been challenged on behalf of the claimant that applicant is not the mother of victim. As legal heir of victim, his mother is entitled to be added as a claimant in the instant case. Hence, the instant application under Order 1 Rule 10(2) read with section 151 C.P.C. is hereby allowed on contest without cost. Let the applicant be added as claimant No. 2 in the cause title of application for compensation. Amend the application accordingly. B.C.-I to do the needful.

It appears from the record that insurance company has not yet entered appearance in this case and by order No. 09 dated 29.06.2022, O.P. No. 2 insurance company has been substituted as I.C.I.C.I. Lombard General Insurance Co. Ltd.

Issue summons upon O.P. No. 2 I.C.I.C.I. Lombard General Insurance Co. Ltd. fixing **08.02.2024** for S.R. and appearance. Requisites at once.

To date also for filing written objection by owner of the vehicle, namely Lila Sinha.

Dictated & Corrected by me.

Sd/- (Sri M.K. Rai)

Judge, M.A.C.T.

Sd/- (Sri M.K. Rai)

Judge, M.A.C.T.-cum-
Additional District Judge,
1st Court, Serampore,