

In the Court of Additional District Judge, 2nd Court, Uluberia, Howrah

Present: Atrayee Manna Chowdhury, A.D.J. 2nd Court, Uluberia
(J.O. Code :WB 00848)

MACC 08/19 (CIS Reg. no. 08/19)
CNR NO.WBHW09-001141-2019

Order no.32 dated 07.01.2026:

Today is fixed for passing judgment.

Hazira filed on behalf of OP no.2.

Claimant files hazira.

The record is taken up for delivery of judgment in connection with a claim application under Section 166 of the Motor Vehicles Act, 1988, arising out of the alleged death of the deceased due to a road traffic accident.

The owner of the offending vehicle has not contested the claim. The alleged insurer/opposite party no. 2 has contested the case, specifically denying issuance of any valid insurance policy in respect of the offending vehicle.

Upon careful scrutiny of the record, it is found that no insurance certificate or policy document relating to the offending vehicle has been produced in evidence during trial. In absence of such proof, the question of fastening statutory liability upon the alleged insurer cannot be conclusively determined at this stage.

Further, the copy of post-mortem report on record does not specifically indicate that the injuries resulting in the death of the deceased were caused due to a road traffic accident. Though it appears from the materials that the deceased underwent medical treatment for several days prior to his death, no indoor treatment records, discharge summary, or other relevant medical documents have been exhibited to establish a causal nexus between the alleged accident and the death.

It is also noted that the claim petition was instituted after a substantial delay. At the same time, the police papers submitted along

2

with the claim application indicate the existence of the documents now found to be lacking in evidence.

Having regard to the nature of proceedings under the Motor Vehicles Act and in the interest of justice, **one last opportunity** is granted to the claimants to produce:

1. Medical documents relating to the treatment of the deceased prior to his death, to substantiate that the death was a consequence of the alleged road traffic accident; and
2. Insurance certificate or other relevant documents pertaining to the offending vehicle, for determination of liability of opposite party no. 2.

Failure to comply within the time granted shall entail disposal of the claim on the basis of the materials already on record, without any further adjournment.

To **27.02.2026** for compliance and further orders.

Dictated & Corrected by

Additional District Judge,
2nd Court, Uluberia, Howrah

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2nd Court, Uluberia, Howrah