

MACC 165/2012

Order no.28 dated 01.08.2016.

Petitioner/claimant files hazira through Id. Adv. while O.P no.2 while OP no.4 National Insurance Co. Ltd. is represented by its Id. Adv. The case is running exparte against OP no.2 (owner of vehicle no.WB-73/5583), OP no.3 New India Assurance Co. Ltd. Although, OP no.1 (owner of vehicle no.WGV-6008) had filed W/S yet is absent without step.

Today is fixed for filing exparte vacate petition along with other applications filed by OP no.4.

Firstly, exparte vacate petition dt.02.06.16 of O.P no.4 is taken up for hearing.

Perused. Heard.

Considering the assertions made in the petition and above all in order to afford an opportunity to contest the case in line with the principles of natural justice, the exparte vacate petition is allowed.

Thus, exparte vacate petition is disposed of.

Meanwhile, W/S filed by OP no.4 on 02.06.16 is thus accepted.

Secondly, petition u/s 170 of M.V. Act is taken up.

Perused. Heard.

It appears that the owner of the offending vehicle appeared with vokatnama and filed written statement on 31.08.2013. Since owner of the offending vehicle is contesting so defences available to him shall not be exercised by the Insurance Company. As such petition under Section 170 of M.V Act is rejected.

Petition u/s 170 of M.V. Act is thus disposed of.

However, on scrutiny of the record, it appears that although OP no.1(owner of vehicle no.WGV-6008) had filed W/S on 31.08.13 yet subsequently he remained absent without step till date. As such OP no.1 is asked to file show cause as to why the shall not proceed exparte against it.

To 26.09.2016 for filing show cause by OP no.1 and further issues if any on the basis of W/S filed by OP no.4 on 02.06.2016.

Dictated & corrected by me :

Sd/- D Datta

JUDGE

Motor Accident Claims Tribunal
Court of the Addl. District Judge
1st Court, Jalpaiguri.

Sd/- Debasish Datta

JUDGE

Motor Accident Claims Tribunal
Court of the Addl. District Judge
1st Court, Jalpaiguri.