

MACC 401/2022

Order No.16
Dt. 20.12.2024

Today is fixed for passing of order with regard to petition dt. 08.02.2023 filed by GO DIGIT General Insurance Company Ltd. Praying for expunging their name from the case.

The record is taken up for passing order.

On going through the petition dt. 08.02.2023 I find that the same has been filed U/order 1 rule 10(2) read with section 151 of CPC and Rule 342 of M.V. Rules 1989.

It is the case of the aforesaid Insurance Company that Insured had Insured the vehicle with them and it was a statutory policy and no extra premium was paid for covering gratuitous passenger and in this case the victim was travelling as a gratuitous passenger. So the insurance company does not have any liability to pay compensation and as such their names be expunged.

On hearing both sides and the petition dated 08.02.2023 I am of the view that the plea taken by the Insurance Company is a matter of fact and the said factual aspect only can be decided after recording the evidence.

Such factual aspect cannot be decided at this stage without recording the evidence. This tribunal is of the view that such petition filed by Insurance Company is a premature one and the same deserves to be refused at this stage.

Hence it is

O R D E R E D

That the petition dt. 08.02.23 stands refused.

To 06.01.2024 for filing of WS positively.

Additional District & Sess. Judge
3rd (SPL) court, Jalpaiguri

Additional District & Sess. Judge,
3rd (SPL) court, Jalpaiguri.