

MACC No. 02 of 2020
CNR no. WBBK090000232020

Order No. 08
dt. 25.11.2021

Today is the date fixed for S/R, appearance and D.C.F.

Claimants file hazira.

O.P. 3 files hazira.

No steps is taken for O.P. 4.

Ld. Advocate for the claimants is present.

Ld. Advocate for O.P. 3 is present.

None is present for other O.Ps.

From the records it is revealed that service upon O.P. 4 has been completed but none appears in this circumstances, let this case be proceed exparte against O.P. 4.

From the records it is revealed that service report upon O.P. 1 and 2 has not been completed, in this circumstances claimants are directed to take fresh steps upon O.P. 1 and 2.

Ld. Advocate for O.P. 3 has submitted that he has filed petition U/s 170 read with section 149 of the MV Act and prays for allowing O.P. 3 for contesting this case on merit as O.P. 4 is not contesting this case. He has further submitted that claimants have not handed over the documents relied upon by them. He prays for directing the claimants for handing over the documents relied upon by them in this case. Ld. Advocate for claimants has not objected this petition of O.P. 3. From the records it is revealed that O.P. 4 is not contesting this case, so it will be justified to allow O.P. 3 to contest this case on merits.

Claimants are directed to supply the copy of all the documents upon which they are relying upon in this case to O.P. 3.

With the above observations, petition dated 18.01.2021 filed by the claimants is disposed of.

Claimants have filed a petition praying for time to file deficit court fee, considering that under West Bengal Motors Vehicle Rules this Tribunal has power to give time to the claimants to file deficit court fee at later stage, and MV Act is benevolent legislation, I have of the view that it will be justified to allow this petition of the claimants in the interest of justice.

Claimants are directed to file deficit court fee at the time of argument of this case.

With the above observations, petition dated 25.11.2021 filed by the claimants is disposed of.

Claimants have taken steps upon O.P. 1 and 2, let summon be issued to O.P. 1 and 2 at once.

Fix 08.02.2022 for service upon O.P. 1 and 2.

Dictated & corrected
by me.

Judge, MACC Tribunal
Khatra, Dist.- Bankura.
J.O. Code WB01399