

**MACC 96 of 2022**

Order No.16

17.12.2024

The claimants file hazira.

They file the postal receipt along with track report.

It appears therefrom that the service of summons upon the OP no.1 is satisfactory.

None appears for him.

Let the case is fixed for ex parte hearing against the OP no.1.

The OP no.2 files w.s.

Copy served.

Let the w.s filed by the OP no.2 is accepted.

The OP no.2 further files a petition under Order 1 Rule 10(2) of CPC r/w Section 151 of CPC.

Copy served.

Heard the both sides at length.

It is stated in the petition that one motor cycle WB-70F-7954 is also involved in the accident and therefore, the owner and the insurer of the said motor cycle are needed to be arrayed as parties to the case. Hence, the petition.

It however, appears that whether the owner and the insurer of the said motor cycle are necessary parties to the case is a matter of evidence, which is not available at this stage. Accordingly, I find no merit to the instant petition.

Hence, the instant petition under Order 1 Rule 10(2) of CPC r/w Section 151 of CPC filed by the OP no.2 is considered and rejected.

No suggestive issues from the parties.

Issues are accordingly, framed in separate sheet, which is kept with the record.

To **15.01.2025** for P.H.

Parties to come ready.

d/c.

Judge, MAC Tribunal  
ADJ, 2nd Court, Alipurduar