

MACC No. 42 of 2017

Order no. 49, dt. 20/11/2025

Both the contesting parties are present through their Ld. Advocates. As fixed the petition dt. 05.12.2024, filed by the OP no. 2, Cholamandalam MS Gen. Insurance Co. Ltd. u/s 170 of MV Act is taken up for hearing.

The Ld. Advocate for the OP no.2 submitted that the OP no.1 is not contesting the case and so, he should be allowed to contest the case on merit. So, he prays for necessary order.

The Ld. Advocate for the claimant raised no objection.

Having heard and on perusal of the record, it appears that this is an application u/s 166 of M.V. Act and despite receiving summon the OP no.1/owner of the vehicle did not turn up and is not contesting the case. Since the owner of the vehicle/driver is not contesting the case, the OP no.2, insurance company should be allowed to contest the case.

Hence, it is

o r d e r e d

that the instant petition dt. 05.12.2024, filed by the OP no. 2, Cholamandalam MS Gen. Insurance Co. Ltd. u/s 170 of MV Act is considered and allowed on consent of both the parties.

Permission is granted as OP no.1 failed to contest the claim. Thus, the instant petition is disposed off.

To 04.02.2026 for P.H.

Sanjay Naskar.

Addl. Dist. & Session Judge, FTC
3rd Court, Basirhat.

Dictated & Corrected by me.

Addl. Dist. & Session Judge, FTC