

MACC – 6 of 2017

**In the Court of the Ld. Addl. Sessions Judge, FTC 3rd Court,
Basirhat.**

Present:-

Sri Sanjay Naskar(**WB01025**)

Addl. Sessions Judge, F.T.C. 3rd Court, Basirhat.

Order no. 46 dt. 20.09.2024

Both the petitioner and the O.P. no.2 is present. As fixed the record is taken up for hearing petition u/s 170 of M.V. Act filed by the O.P. no.2. During the course of hearing, it appears that the summon upon the O.P. no.1 Surojit Halder, the owner of the impleaded vehicle has not been served. The section 170 of M.V.Act comes into play when the owner of the impleaded vehicle will not be contesting the claim petition and then the insurance company will be allowed to contest the claim on merits beside the statutory defence. So, before disposing of u/s 170 of M.V. Act, the summon upon the O.P. no.1 should be served. So, the petition cannot be disposed of today. Let it kept with record.

Claimant is directed to take steps upon the O.P. no.1.

To 20-01-2025 for taking steps.

Dictated & Corrected by me.

Addl. Session Judge,
Fast Track 3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. Session Judge,
Fast Track 3rd Court, Basirhat.