

MACC No. 50/17 (53/17)

25.09.2023

Today is fixed for evidence of OPW2 i.d. argument.

The OP no.2 and the petitioner all filed hazira.

Ld. Lawyer for the OP no.2 submitted that a petition is filed by them u/s 170 MV Act and till that is considered by this court they are not in a position to argue the case.

No witness is present today.

It appears from record that the OP no.1 is not contesting the case after filing WO on 28.08.17. Let the case be proceed ex-parte against OP no.1 since 14.11.22.

The OP no.1 is the owner of the vehicle no.JH-09K/3060 (Truck) and the OP no.2 is the Insurance Co. of the said vehicle.

The OP no.2/Insurance Co. has filed a petition today u/s 170 of MV Act stating that the OP no.2 is praying for liberty to avail the defence available the owner of the vehicle.

Heard both sides. Considered.

As the owner of the vehicle JH-09K/3060 (Truck) is not contesting the present case hence OP no.2 the Insurance Co. of the said vehicle can take the defence available to the owner of the vehicle as per law.

The petition u/s 170 MV Act is thus allowed and disposed of.

Fix **20.11.23** for argument, if OP no.2 be able to bring any witness on that day then the witness is to be examined before starting of argument.

Dictated & Corrected by me

Judge, MAC Tribunal
1st Court, Purulia.

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