

Present : **Shri. Soumen Sarkar (WB 00889)**
Motor Accident Claim Tribunal Judge
cum
Additional District Judge, 3rd Court, Purulia

M.A.C. Case no. 79 of 2021(CIS)

Order No.18

Dated 07.12.2024

This day is fixed for hearing petition of the claimants and hearing petition of the OP no.2 and filing W/O by the OP no.1.

The claimants/petitioners have filed hazira through their Ld. Advocate.

The OP no.2/National Insurance Co. has also filed hazira through its Ld. Advocate.

The OP no.1 has not taken any step today.

Therefore, the OP no.1 is directed to file show cause as to why the case shall not be heard ex-parte against him.

Now the case record is taken up for hearing the petition filed by the OP no.2/National Insu. Co. dated 27-02-2024 and also hearing the petition filed by the claimants on 11-11-2024.

Both the petitions are taken up together as they are interlinked.

It is pertinent to note here that OP no.2/National Insu. Co. has filed the petition stating therein that no Insurance Policy was issued by that Insurance Co. in respect of vehicle no.WB56G/2716 (Tata Sumo) and as such, the OP no.2 has prayed expunging its name from this claim case.

It is also pertinent to note here that claimants have filed a petition Under Order 6 Rule 17 read with Section 151 of the CPC stating therein that due to typographical mistake in the application for claim the OP no.2/National Insurance Co. has been incorporated as OP no.2 instead of Cholamandalam MS General Insurance Limited. Thus the claimants have prayed for necessary amendment in the cause title of the petition as well as in particular no. 17 of the petition to delete the name of insurance Co. '**National Insurance Company Ltd.**' and to incorporate thereon '**Cholamandalam MS General Insurance Limited**'.

Having heard the Ld. Advocate for the claimants as well as Ld. Advocate for the OP no.2/National Insurance Co. it is imperative to note here that the offending vehicle as incorporated in the claim petition did not have insurance policy of the National Insurance policy at the relevant time of the accident. It is germant to note here that at the relevant time that the said vehicle was insured under Cholamandalam MS General Insurance Limited. Thus, I do not find any impediment to allow both the petitions in

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order to expunge the **National Insurance Company Ltd.** from the array of the OP no.2 in the claim petition and to incorporate therein '**Cholamandalam MS General Insurance Limited**' as the OP no.2.

Hence, it is,

ORDERED

that the petition filed by the OP no.2/National Insurance Company Ltd. on 27-02-2024 is allowed.

Let the National Insurance Company Ltd. be expunged from the array of OP no.2 of the claim petition.

It is further, ordered, that the amendment prayed for by the claimants as per petition dated 11-11-2024 is hereby allowed.

The claimants are directed to submit amended claim petition by the next date positively.

The claimants are directed to take step upon the OP no. 2/Cholamandalam MS General Insurance Limited.

The Case is adjourned today.

Fixing **20-02-2025** for S/R of OP no.2 and filing amended claim petition.

Dictated & Corrected by me

**Judge, MAC Tribunal
cum
Addl. Dist. & Sessions Judge,
3rd Court, Purulia**

**(Soumen Sarkar)
Judge, MAC Tribunal
cum
Addl. Dist. & Sessions Judge,
3rd Court, Purulia**