

Present : Shri Soumen Sarkar,  
Judge M.A.C. Tribunal,  
cum  
Additional District Judge,  
3<sup>rd</sup> Court, Purulia.  
JO Code- WB00889.

**M.A.C. Case no. 75 of 2022 (CIS)**

**Order No. 11**  
**dt. 02.02.2024**

This day is fixed for further evidence of the petitioner.

The Claimants have filed hazira through their Ld. Advocate.

The OP No. 2 has filed hazira through his Ld. Advocate.

The OP no.1/Insurance Company has filed a petition praying for an order to recall the order for hearing the case on ex-parte against the OP no.1 and the written statement and the Vakalatnama of the OP no.1 has been annexed with the petition. Copy served and objected to.

The Ld. Advocate for the OP no.1 submitted that the Insurance Company engaged its lawyer but as the documents necessary for preparation of the WS was not with the Ld. Advocate and due to the circumstance of pandemic and lock down the Ld. Advocate could not turn up earlier in this matter to contest. Thus, he prayed for an opportunity to contest this case.

Ld. Advocate for the OP no.2 did not raise any objection.

Ld. Advocate for the claimants strongly opposed the prayer of the OP no.1 submitting that the Insurance company intentionally filed this petition in order to cause delay in this case.

Having heard both sides and considering the fact that WS has already been submitted by the OP no.1, it shows deligence of the Insurance Company to contest the matter. However, considering the delay in filing the petition and WS this Tribunal is of the opinion that the hardship cause to the claimants can be compensated with a cost.

Accordingly, the prayer of the OP no.1 is allowed with a cost of Rs.500/-.

The OP no.1 is directed to pay the cost to the claimants by the next date positively.

The WS filed by the OP no.1 will be accepted subject to payment of the cost.

Case is adjourned today.

Fixing **13-03-2024** for payment of cost and framing of additional issues.

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Judge, MAC Tribunal,  
ADJ, 3<sup>rd</sup> Court,  
Purulia.

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