

MAC Case No: 55 of 2016
(CIS No.1561/16)
CNR No: WBSP010117822016
Present: Subhra Som Ghosal [J.O Code: WB00984]

Order no. 32, dated: 13.09.2023.

The petitioner/claimant as well as the opposite party No. 02, in order to mark their presence before this court have filed their respective haziras through their respective Ld. Advocates.

As stipulated by the previous order, today is fixed for framing of issues. On query by this court, it is found that no element of settlement is found to be acceptable by the parties. Thus, at this stage section 89 of the CPC read with Civil Procedure Alternative Dispute Resolution Rules, 2006 could not be invoked. Hence, the record is taken up for framing of issues. The pleadings as filed by both parties to this litigation are meticulously scrutinized in juxtaposition with the documents relied.

Heard both the Ld. Lawyers for the claimant and the O.P No 2. Suggestive issue has also been file by the Ld. Advocate for the claimant.

In order to sum up the points of controversies between the parties and fix the fact in issue, as well as to fulfill the requirement of law, issues are framed in a separate sheet and kept with the record. 6 (six) no of issues are framed. To avoid any future complication the issues framed today are reproduced herein below:

- 1) Is the case maintainable in its present form and in law?
- 2) Has the claimant any cause of action to file this case?
- 3) Did the victim namely Rosy Das @ Roji Das meet with an accident on 03.09.2014 at 20.30 hours as claimed and sustained injury?
- 4) Was the vehicle No. WB-19G-0059 (Bus) involved in the accident, as claimed?
- 5) Is the claimant entitled to get a compensation as sought for and if so what should be the just compensation?
- 6) To what other relief or reliefs to which the claimant is entitled in law and equity?

Let the trial of this case be commenced. Claimant is to come ready with his evidence on the date fixed.

Fix 10.01.2024 for P. hearing.

Typed and printed by me;

Additional District Judge
1st Court, Alipore &
Tribunal Judge, MAC Cases

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