

2201.12.2022

This day is fixed for passing regarding the petition u/o 1 rule 10(2) of CPC dated 05.09.2022.

Both parties have taken steps.

Having heard submission of Ld. Advocates and on perusal of the petition it appears that father of the deceased was not party by the petitioner by showing him dead. The applicant Naresh Ch. Singha who is the father of the deceased has filed this petition praying for adding him as party since he is the one of the dependant of the deceased.

Ld. Advocate for the petitioner raised objection. He has submitted that the present petitioner was not dependant upon the deceased. He has filed information of plot of Khatian No. 450 to show that he is the owner of huge property. It is further submitted by him that the father of the deceased was not at all dependant on the income of the deceased and he is well-established so this petition is liable to be rejected.

On perusal of the case record it appears that this is an application of motor accident claim case u/s 166, MV Act filed by Tulsi Singha and Prajna Singha (minor) and Triti Rani Singha as legal heirs and representatives for grant of compensation on account of death of Premananda Singha. From the case record it also appears that this application has been filed showing the name of deceased as Premananda Singha s/o Lt. Naresh Ch. Singha. The petitioner cannot give any clear answer why she has filed this case showing Naresh Ch. Singha as dead.

|| However, from the documents filed by the petitioner it appears that there are some properties in the name of Naresh Ch. Singha. The petitioner cannot show the other income of Naresh Ch. Singha. Ld. Advocate for the petitioner has submitted that Naresh Ch. Singha is the owner of tea estate but there is no document in this regard.

Considering all these I am inclined to allow this petition.

Hence, it is

ORDERED

that this petition is allowed on contest. Let the name of the applicant Naresh Ch. Singha be added here as OP No.3.

Amend the cause title accordingly.

OP No.3 is directed to file W.S.

To **03.01.2023** for filing W.S by OP No.3.

D/C by me

Judge, MAC Tribunal,
FTC-Ist, Islampur, U/Dinajpur.
(J.O Code No. WB 742)