District : Patna. Dated : 09.12.2019

## In the Court of Additional District & Sessions Judge -VI<sup>th</sup> -cum-Chairman, M.A.C. Tribunal, Patna.

Present: Sri Awadhesh Kumar

Addl. District Judge-VIth,

Patna.

Claim Case No. 99 of 2017/C.I.S No. 99/2017

Mini Kumari & others......Claimants

Vrs.

Golu Kumar & others ...... Opposite Parties

## **ORDER**

## 09.12.2019

Heard on the petition filed u/s 169(2) of M. V. Act. on behalf of the opposite party no. 3 (Shriram General Insurance Co. Ltd.). It has been submitted that petitioner has received report of alleged accident as per provisions mentioned under Section 158(c) of Motor Vehicle Act but no any information is received as per provision under Section 134 (c) of Motor Vehicle Act. So, it has been prayed by the petitioner that opposite parties No. 1 and 2 may kindly be directed to produced driving license of the driver.

Claimant has filed petition that there is an agreement/contract in between owner of the vehicle and insurance company. So, petition filed under Section 169 (2) of Motor Vehicle Act is fit to be rejected.

DATE: 09.12,2019 PAGE: 1 OF 3

I have gone through the provisions under Section 134 (c), 158 (6) and 169 (2) of the Motor Vehicle Act, which are as follows:-

- " Section 134 (c):- give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:-
- (i) Insurance policy number and period of its validity;
- (ii) Date, time and place of accident;
- (iii) Particulars of the persons injured or killed in the accident;
- (iv) name of the driver and the particulars of his driving license."
- " Section 158 (6):- As soon as any information regarding any accident involving death or bodily injury to any person is recorded or report under this Section is completed by a police officer, the officer incharge of the police station shall forward a copy of the same within thirty days from the date of recording of information or, as the case may be, on completion of such report to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer, and where a copy is made available to the owner, he shall also within thirty days of receipt of such report, forward the same to such Claim Tribunal and Insurer."

"Section 169 (2):- The Claim Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed, and the Claim Tribunal shall be deemed to be a Civil Court for all the purposes of Section 195 and

DATE: 09.12.2019 PAGE: 2 OF 3

## Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)."

It is the settle principle of the law is that if there is agreement in between the owner of the vehicle and insurer company with certain norms and conditions, which are bound to the both parties. The insurer company has to follow the said norms and conditions. But, unusual petition has been filed by the insurance company only to delay the claim case which is not required by law that the court is bound to supply such paper.

After perusal of provision under Section 169 (2) of Motor Vehicle Act, I am of the opinion that there is no provision that the court will give direction to the owner to supply any documents to the insurer company.

By the agreement, insurer company and owner is bound to follow instructions, norms and conditions of the insurance.

Accordingly this petition filed by the opposite party no. 3 (insurance company) is hereby disposed of.

( Dictated and corrected by me. )

( Dictated by )

( Awadhesh Kumar )

(Awadhesh Kumar)

Addl. District Judge -VIth -cum-

Addl. District Judge -VIth -cum-

Chairman, M.A.C. Tribunal,

Chairman M.A.C. Tribunal,

Patna.

Patna.

Dated: 09.12.2019

Dated: 09.12.2019.

<u>PAGE: 3 OF 3</u>