

D/L
Item No. 32
21.07.2025
KOLE

CO 2343 of 2025

Bajaj Allianz General Insurance Co. Ltd.

-Vs.-

Chaina Roy & Ors.

Mr. Soumalya Ganguli,

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the Insurance Company and is directed against an order dated May 13, 2025 passed by the Learned Special Court Cum Additional District and Sessions Judge, Durgapur in MACC No. 20 of 2016. By the order impugned, the application filed by the petitioner herein on August 5, 2024 stood rejected.

The petitioner filed an application praying for an order permitting the Insurance Company to adduce evidence. It has been stated in the said application that one document has come in the hand of the Insurance Company from which it would appear that the Insurance Company has a specific defence in the case.

After going through the said application, this Court finds that the opposite party did not mention anything regarding the nature of the document for which the Insurance Company wants to adduce evidence.

The learned Trial Judge noted that the claim petition was filed on January 18, 2016 and evidence of the petitioner was completed on May 11, 2023. Ample opportunities were given to the Insurance Company to adduce evidence on their

behalf but no evidence was adduced by them and the evidence of the Insurance Company was closed on 10th June, 2024. Thereafter, the claim application was fixed for argument. At that stage, the Insurance Company filed the application but without mentioning any particulars of the said document and also without annexing the said document with the said application.

In the absence of any disclosure about the nature of the document, the relevance thereof cannot be considered. A party can be permitted to adduce evidence which may be relevant and necessary for the Court to arrive at a decision.

The learned Trial Judge was right in refusing to give another chance to the Insurance Company to adduce evidence as no material was produced by the Insurance Company before the learned Motor Accident Claim Tribunal.

For such reason, this court is not inclined to interfere with the order impugned.

CO No. 2343 of 2025 stands dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)