

23.12.2022

Present : Ms. Sulekha Thakur, Learned Counsel for petitioners.
None for R-1(a) to (c)
Sh. Ranvijay Singh, Learned counsel for R-2.
Sh. Nitin Goel, Learned counsel for R-3 / Shri Ram GIC Ltd.
Sh. Rakesh Kumar, Learned counsel for R-5.
Sh. Nitin Kala, Learned proxy counsel for R-6 / Go Digit GIC Ltd.

After last date, written statement filed on behalf of LR's of respondent No.1.

Written Statement filed on behalf of respondent No. 2.
Copy supplied.

Respondent No. 4 has not filed written statement despite being given last opportunity. Thus, **right of respondent No.4 to file written statement stands closed.**

Heard. File perused. On the basis of pleadings and supporting documents, following issues are framed:-

- (i) Whether Farooque @ Umar Farooq, son of petitioners No. 1 and 2 and brother of petitioner No.3, died in a motor vehicular accident happened on 01.01.2021 at 06.00 a.m., at KM No. 274, Lucknow-Agra Expressway, Unnao, U.P., within jurisdiction of PS Auras, due to rash and negligent driving of two vehicles i.e. bus bearing registration No. UP-51AT-5256 driven by respondent No. 1 / Saluddin (since deceased) and Canter bearing registration No. NL-02Q-3717 being driven by respondent No. 4 / Sunil Kumar? (OPP)*
- (ii) Whether the petitioners are entitled to compensation on account of said death and if yes, to what extent and from whom? (OPP)*
- (iii) Relief.*

List of witnesses be filed within four weeks. Steps be taken for summoning of the witnesses within four weeks. Copy of the affidavits be supplied in advance to counsel for the respondents against

acknowledgment in writing.

At this stage, counsel for the petitioners state that the Local Commissioner may be appointed for the purpose of recording of evidence in the present matter. Counsels for the insurance company have no objection for the same.

In view of above, Sh. Gajendra Kumar, Advocate (Enrol No. D/1795/2002), Chamber No. G-525, Karkardooma Courts, Delhi (mobile No. 8851424799, 9871804878) is appointed as Local Commissioner to record the evidence on behalf of the petitioners. The expenses of recording evidence is fixed as Rs.3000/- per witness which shall be borne by both the insurance company equally. The Local Commissioner shall try to endeavour recording the evidence in two or three dates.

At request, date is fixed for recording of evidence is 10.02.2023 and 17.02.2023. The Local Commissioner shall file report for recording of evidence on the next date.

To come up on **11.04.2023**.

(SAMAR VISHAL)
PO MACT (East)/KKD
Delhi/23.12.2022