

39 MACT 263/21

KASTURA AND ORS. Vs. SURENDRA AND OTHERS

28/07/2025

Present: Sh. Ankit Shrivastava, Ld. Counsel for petitioners
alongwith both petitioners.

Sh. V.K. Mehto, Ld. Counsel for R1 & R2 with R2 in
person.

Sh. Subhrato Das, Ld. Counsel for R3/Insurer.

Financial statement filed alongwith some documents on
behalf of petitioners.

Remaining submissions heard.

It is seen that PW2 is stated to be the sole eye-witness
and further one of the injured. However, his MLC is not filed on
record by the petitioners till date. It is further seen that respondent
Nos. 1 & 2 have disputed the presence of PW2 at the spot and
cross-examination of PW2 is in sharp contrast to the version in the
examination-in-chief. FIR was lodged with considerable delay and
there is nothing to suggest that the offending vehicle was seized at
the spot. Statement of PW2 as recorded during investigation is also
not filed on record.

In view of the above-said, petitioners are directed to file
certified copy of the MLC of PW2 alongwith the certified copy of
seizure memo of offending vehicle and statement of the witness
recorded during investigation. I further consider it proper to examine

IO to throw light on the material aspects. Let IO be summoned as a Tribunal witness for 08.12.2025.

In the meantime, the petitioner is directed to file the complete certified copy of the criminal case record, including MLC of PW2 and as delay has been occasioned due to petitioner not having filed the relevant documents till date, interest on compensation if any awarded in future, stands waived till further order.

(Mayuri Singh)
P.O. MACT (East)/Delhi
28/07/2025