

33 MACT 299/21
ANIL KUMAR BISHT Vs. SUNI YADAV
34 MACT 300/21
RAJ KUMAR Vs. SUNI YADAV

09.01.2025

Present : Sh. Madhur Goel, Ld. Counsel for petitioner.
Mohd Sameen, Ld. proxy Counsel for R-2.

Be awaited.

At 11.50 am

Present : Sh. Madhur Goel, Ld. Counsel for petitioner.
Mohd Sameen, Ld. proxy Counsel for R-2.
Sh. Naman Giri, Ld. counsel for R-3 / insurer.

Arguments heard on the pending applications by both sides.
Vide this common order, application are being decided.

Applications have been moved on behalf of insurance company under Section 151 CPC seeking of recalling of order dated 07.03.2024 whereby the right of the insurance company to lead evidence was closed and matter was posted for final arguments on account of non-appearance of counsel for insurance company. It is submitted that non-appearance was not intentional but because Counsel was stuck in another Court. It is further stated that great prejudice will be caused to R3, if application is not allowed. In reply to the application, Ld. Counsel for petitioner orally submitted that application is not maintainable and deserves to be dismissed and ground taken in the application is flimsy and there is no provision under M.V. Act for allowing the application moved by R3.

Heard and record perused.

Perusal of record shows that matter was fixed for RE on 05.01.2024 and adjournment was sought by R-3 to lead RE and thereafter on 07.03.2024, opportunity of R-3 / insurer was closed. No cogent ground has been given in the application for re-opening of RE. However, I consider it proper in the interest of justice and for fair trial to grant one more opportunity to the insurance company to lead RE, subject to cost of Rs. 2000/- to be paid to the petitioner.

To come up for RE on 17.04.2025.

(Mayuri Singh)
PO MACT (East)/KKD
Delhi/09.01.2025