

09.12.2020

Present : Petitioner with counsel Sh. S.W. Nomani.
None for R1 and R3.
Sh. Mohd. Rafi, proxy counsel for R2/ insurer.

Despite sufficient time given, R1 and R3 failed to file WS. Accordingly, **right of R1 and R3 to file WS stands closed.**

It is mentioned by petitioner that previous cost has been paid. Cost deposit receipt submitted today. Same be placed on record after following the SOP/ guidelines, issued in this regard.

Ld. counsel for the petitioner has pressed for passing the interim award. Heard. Documents of the case file perused. It is observed that there are sufficient documents on record to show that the deceased Abhilakh @ Ajay died in the road accident involving the offending vehicle. Thus, prima-facie, there is no doubt about the involvement of the offending vehicle in the accident. Therefore, an **interim award of Rs. 50,000/- is passed in favour of the petitioners in view of section 140 M.V. Act.** Accordingly, R2/ Shri Ram General Ins. Co. Ltd. is directed to deposit Rs.50,000/- alongwith interest @ 8% per annum from the date of filing of petition (14.07.2017) till deposit of amount, within 30 days.

The petitioner shall remain present in person on next date and she is directed to get opened a bank account near the place of her residence and shall produce the pass-book alongwith her identity proofs i.e. *aadhaar* card, PAN card and photographs on the next date.

Further, on the basis of pleadings and supporting documents, following issues are framed:-

- (i). Whether husband of petitioner, namely Abhilakh @ Ajay, died in a motor vehicular accident happened on 19/20.04.2017 at about 12:00 a.m., on Road, near OP VIET Hotel, Village Chithera, Dadri, G.B. Nagar, U.P., within the jurisdiction of PS Dadri, due to rash and negligent driving of offending vehicle i.e. Canter bearing registration No. UP14CT-4600, driven by respondent No.3 Vedpal? **(OPP)**
- (ii). Whether the petitioner is entitled to compensation on account of said death and if yes, to what extent and from whom? **(OPP)**
- (iii). Whether the petitioner is entitled to interest on the award amount, if so, at what rate and for which period? **(OPP)**
- (iv). Relief?

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

To come up for PE on **28.04.2021**.

Copy of the order be sent to the counsel for petitioner as well as to the counsel for R2/insurer, through WhatsApp/ e-mail and be also given *Dasti*, free of cost, if requested, for compliance.

(Vivek Kumar Gulia)
PO MACT (East)/KKD/Delhi
09.12.2020