

13MACT583/23  
USHA DEVI ORS. Vs. SIDDARTH SHARMA

03.07.2024

Present : Sh. Kumar Shivam, Ld. Counsel for petitioners.  
Sh. Saharsh Saxena, Ld. Counsel for R-1.  
Sh. Kumar Alok, Ld. Counsel for R-2 / insurer.

Copy of supplementary chargesheet has been filed on record by Naib Court of Prosecution Shiv Dutt Dubey on behalf of IO who submits that copy has been received from IO. It is submitted by counsel for petitioners that offence u/s 304A is also made out but IO5 has not mentioned the same in the chargesheet. It is submitted by counsel for R-1 that revision petition has been filed before Hon'ble High Court against the order on charge.

Proposed issues alongwith certain judgments filed on behalf of petitioner & it is submitted that claim petition is maintainable as irrespective of mens rea on the part of the R-1, accident 'by use of a vehicle' was involved in this matter and while at first instance, deceased was hit while offending vehicle being driven in a rash and negligent manner, on the second instance, driver drove his vehicle at a fast speed and in bid to escape from the spot, knock down the deceased on his way while on duty.

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

*(i) Whether Ganga Sharan, husband of petitioner No.1 and father of petitioners No. 2 to 6 sustained injuries and died in a motor vehicular accident happened on 19.09.2023 at 05:10 a.m., at NH-09, Near Manglam Cut, Delhi within jurisdiction of PS Pandav Nagar, and whether it was due to rash and negligent driving of offending vehicle bearing registration*

*No.DL-10CH-5939 (Honda Amaze) driven by respondent No. 1 / Sidharth Sharma at any point of time ? (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) Whether the petitioners are entitled to interest on the award amount, if so, at what rate and for which period? (OPP)*

It is submitted jointly on behalf of the parties that since in the present matter, section 304 IPC is involved and thus it is a sensitive and technical matter involving a grave offence in the criminal case, evidence may be recorded before the Tribunal.

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.

Put up for PE on 16.11.2024.

**(Mayuri Singh)**  
**PO MACT (East)/KKD**  
**Delhi/03.07.2024**