

MACP Nos.7/18, 8/18 & 9/18
Shitanshu, Deepak & Anuj Kr. Vs. Jamvant Yadav & Ors.

21.08.2018

Present: Sh. Rajesh, Ld. Counsel for the claimants Shitanshu & Deepak.
Proxy counsel for the claimant Anuj Kumar Saxena.
Sh. R.P.S. Gautam, Ld. Counsel for R-1 & R-2 with R-1 in person.
Sh. Amit Gaurav Singh, Ld. Counsel for R-3 IFFCO TOKIO Gen. Ins. Co. Ltd.

Amended memo of parties in terms of the previous order stands already filed and is taken on record.

WS of R-1 & R-2 also stands already filed on record and copies have been supplied.

Ld. Counsel for R-3 has appeared on notice of the petition sent for today only and hence, copies of all the three petitions and documents enclosed therewith are directed to be supplied to him against receipt and WS/reply of R-3 is also directed to be filed within 30 days from today.

Let R-2 also to produce the original registration certificate of the offending truck for perusal as some discrepancy in his name appears to be there in copies of registration certificate and policy of insurance of the vehicle available on record.

As all the above three cases arise out of the same accident, they are consolidated for the purpose of trial and decision. MACP No.7/18 will be the lead case wherein the evidence will be recorded.

From pleadings of the parties on record and for the disposal of above claim petitions, the following consolidated issues are framed:-

1. Whether Sh.Shitanshu Sharma (injured of MACP No.7/18), Sh.Deepak (injured of MACP No.8/18) and Sh.Anuj Kumar Saxena (injured of MACP No.9/18) sustained injuries in the accident which occurred on 15.02.2017 at about 12 to 12:30 AM in front of City Park Hotel, Mina NH-8 Road towards Delhi, Rajokari, New Delhi caused by rash and negligent act of respondent no.1 in driving the vehicle No. HR-29AJ-4069, which was owned by respondent no.2 and insured with respondent no.3? OPP.

2. Whether the petitioners are entitled for compensation? If so, to what amount and from whom?

3.Relief.

No other issue arises or is pressed.

Now, put up for compliance of previous directions regarding opening of bank accounts by the petitioners etc. as well as for PE on **17.01.2019**. Advance copy of the affidavit and documents be supplied to the opposite counsels atleast a week before the date fixed. Steps for summoning witnesses, if any, required be also taken in advance.

(M.K. NAGPAL)
Judge/MACT, New Delhi
21.08.2018