

DAR 578/18
SWATI KAPOOR Vs. HANS RAJ

18.07.2025

Present : Sh. Sumit Nandwani, Ld. Counsel for claimants along
with claimant no. 1 in person.
Sh. Kushagar Bansal, Ld. Counsel for R-1.
Sh. Kumar Alok, Ld. Counsel for R-2/Insurance
Company through VC.

Ld. Counsel for R-1 submits that an application under Section 60 BSA, 2013 to lead secondary evidence is pending on record. Ld. Counsel submits that after the accident, a compromise has been arrived vide settlement agreement Mark X which has also been put to PW1 in her cross examination. PW1 in her cross examination has admitted her signatures on the said settlement. The original of settlement has already been lost and NCR dated 16.09.2024 has already been lodged and therefore, requested to lead secondary evidence with respect to this settlement agreement 'X'.

Ld. Counsel for claimants has objected on the ground that the respondents are delaying the matter and also not taken this stand in written statement.

Ld. Counsel for Insurance Company has no objection in this regard.

Considering the fact that this document has been put in cross examination to PW1 who has admitted her signatures on the settlement, the settlement agreement has been taken on record to be

considered in evidence as the original have already been lost. The application is allowed and disposed of accordingly. However, probative value of this document is to be seen while appreciating evidence.

Local Commissioner is directed to conduct respondent's evidence on day to day basis preferably and shall start recording of evidence w.e.f. **28.07.2025 at 2 pm onwards.**

List the matter for filing of report and conclusion of evidence by the Local Commissioner on **30.10.2025.**

Short date is not possible as there is pendency of about 3200 cases, out of which 500 cases are old matters, which shall be taken up on priority.

**(Ajay Kumar Jain)
Judge / PO, MACT
New Delhi/18.07.2025**