

MACT 41/25
SALMA MALIK Vs. ZAINUL ABDIN

17.11.2025

Present: Shri Palvinder Singh, Ld. Counsel for petitioner.
None for driver and owner.
Shri S. K. Tyagi, Ld. Counsel for HDFC General insurance company.
Shri R. K Gupta, Ld. Counsel for ICICI Lombard General insurance company Ltd.

It is submitted by Ld. Counsel for insurance company that legal offer has not been filed as the driver is disputed.

WS already filed on behalf of respondent no.3 and 4.

Application filed u/s 6 Rule 17 CPC filed on behalf of ICICI Lombard General insurance company Ltd.

Heard. Record perused.

Keeping in view the reasons mentioned in the application, application is allowed.

Amended WS is taken on record.

Driver and owner have failed to file their WS. Accordingly, their defence stands struck off.

Pleadings are complete in the matter. On the basis of the pleadings of the parties following issues are settled for consideration:-

1. Whether deceased Sajid Malik has died in the road traffic accident on 11.11.2024 at about 11.15 pm at In front of Nexa Showroom, Nazibabad Brijnour Road, UP , within the jurisdiction of PS. KNK Marg, due to rashness and negligence on the part of Sh.Zainul Abdin/R1 who was driving vehicle bearing registration no. DL-8CBF 9786, owned by Sh. Alauddin/R2 and insured with ICICI Lombard General insurance company Ltd./R3 (third party policy) and HDFC General Insurance Company Ltd/R4 (own damage cover) and ?OPP.

2. Whether the petitioners are entitled to

compensation if so, to what extent and from which of the respondents? OPP.

3. Relief.

No other issue arises or pressed.

Put up for PE on **02.03.2026**. List of witnesses, if any be filed by both the parties within 2 weeks. Evidence by way of affidavit on behalf of petitioner be filed within 4 weeks after supplying the advance copy to the respondents through counsel against receipt.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/17.11.2025