

MACP No.170/2022

Sayaba Khatoon & Ors. (L.Rs of Faizal) V/s Ghaffar & Ors.

FIR No.39/2022

PS Nahtaur, District Bijnor, UP

29.03.2023

Present: Mohd. Arif, Ld. Counsel for the L.Rs of deceased/petitioners.
Shri Abhishek Tyagi, Ld. Counsel for driver-cum-owner.
Shri Lalit Dhingra, Ld. Counsel for the Insurance Company.

Reply/written statement has already been filed on behalf of driver-cum-owner.

It is noted that vide order dated 20.01.2023, Insurance Company was proceeded “**ex-parte**” and its defence was struck off. Learned counsel for the Insurance Company has orally prayed for recalling of order dated 20.01.2023. The learned counsel for the L.Rs of deceased/petitioners as well as learned counsel for driver-cum-owner have no objection if the ex-parte order against the Insurance Company is recalled.

Heard.

In the interest of justice, the order dated 20.01.2023 is hereby recalled. Reply/written statement filed on behalf Insurance Company is taken on record. From the pleadings of the parties following issues are framed for consideration.

1. **Whether the deceased Faizal, S/o Shri Jaheer Ahmad, suffered fatal injuries in road traffic accident on 15.02.2022, at about 11.30 AM, near Canal Bridge, ahead of Village Rukhdiyo on Jhalu-Bijnor road, within the jurisdiction of PS Nahtaur, District Bijnor, UP, due to rashness and negligence on the part of the driver-cum-owner Ghaffar/R-1, who was driving vehicle/truck bearing registration No.UP-20AT-0978 and insured with M/s The New India Assurance Company Limited//R-2? OPP.**
2. **Whether the LRs of deceased are entitled to any compensation, if so, to what amount and from whom?OPP.**
3. **Relief.**

No other issue either arises or has been pressed for.

List the matter for PE now on **28.07.2023**.

Let list of witnesses be filed within one week and affidavit(s) by way of evidence of the witness(es) of petitioner be filed within one week thereafter with advance copy thereof to the other side. Steps for summoning of witnesses be taken well in advance.

(Vinod Yadav)
Judge MACT-2 (North)
Rohini Courts, Delhi/29.03.2023