

MACP No. 407/22

Kiran & Ors. Vs. Sanjay Kumar & Ors.

31.05.2023

Present: Sh. Palvinder Singh, Ld. Counsel for petitioner.
None for driver.
Sh. Nishant Gahlawat, Ld. Counsel for registered
owner with registered owner in person.
Sh. Arun Aggarwal, Ld. Counsel for insurance co.

R1/Driver namely Sh. Sanjay Kumar has been duly served by way of Publication through newspaper "Rashtriya Sahara" dated 24.02.2023. Copy of newspaper as also certificate of dispatch of copy of newspaper at the last known address of said respondent, have been placed on record.

Considering the fact that period of 30 days have already been expired from the date of service, defence of driver/respondent no. 1 is struck off and he is also proceeded exparte.

WS on behalf of respondent no. 2 and 3 filed. Copy filed. Same be taken on record.

Pleadings of the parties are complete. From the pleadings of the parties following issues are settled for consideration.

1. Whether the deceased Sh. Pawan Kumar died in road traffic accident on 07.05.2022 at about 4:30 AM at Sector-40, Gurugram, Haryana, within the jurisdiction of PS. Sector – 40, Gurugram due to rash and negligent driving of vehicle bearing registration no. HR16V-2516 by its driver Sh. Sanjay Kumar/R-1, owned by Sh.Uma Shankar @ Uma Chankar/R-2 and insured with The New India Assurance Co. Ltd./R-3? 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 arises or pressed.

Put up for PE on **18.10.2023**. 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.

(Preeti Agrawal Gupta)
Judge MACT-2 (North)
Rohini Courts, Delhi/31.05.2023