

MACP No. 406/19 and 407/19
Afsana & Ors. and Nadeem Vs. Lrs of Haider Ali & Ors.

18.12.2019

Present : Sh. Avnish Rai, Ld.counsel for petitioners.
None for Lrs of deceased driver cum owner Sh. Haider Ali.
Sh. Pradeep Sehrawat, Ld.counsel for respondent
no.2/insurance company.

None is appearing on behalf of Lrs of deceased respondent no.1/driver cum owner. Neither any written statement filed on their behalf. **In these circumstances, the right of Lrs of respondent no.1/driver cum owner to file written statement is closed and their defence is also struck off.**

Ld.counsel for respondent no.2/insurance company has filed reply under his own signatures. Copy supplied.

Ld.counsel for insurance company undertakes to file supporting affidavit of reply on or before next date.

The petitions bearing MACT No.406/19 and 407/19 arise out of the same accident. The eye witness in both the cases are the same. Hence, both these cases are consolidated for the sake of convenience for the purpose of recording evidence. The claim petition bearing **MACT No. 406/19 titled as Afsana & Ors. Vs. Lrs of Haider Ali & Ors.** shall be the lead case.

Pleadings of the parties are complete. From the pleadings of the parties following **consolidated** issues are framed for consideration.

1. Whether the deceased Islamuddin @ Islam sustained fatal injuries and the injured Nadeem suffered injuries in road traffic accident

2.

Afsana & Ors. and Nadeem Vs. Lrs of Haider Ali & Ors.
on 27.04.2018 at about 2.00 AM near Rajeda River Pull, Near Had Jungle,
Dalpat Pur, Muradabad, UP within the jurisdiction of PS Mudapandey
District Muradabad, UP due to rashness and negligence on the part of the
driver cum owner Sh. Haider Ali who was driving the car bearing
registration no. DL-8CAW-2562 insured with IFFCO Tokio General
Insurance Company Ltd.?OPP.

**2. Whether the claimants are entitled to any compensation if so
to what amount and from whom?OPP.**

3. Relief.

No other issue arises out of the pleadings or pressed.

Put up for PE on 06.05.2020. Advance copy of affidavit in
evidence be supplied to counsels for parties at least 2 weeks prior to next date
of hearing. Steps for summoning the witnesses be taken well in advance.

(DEVENDER KUMAR JANGALA)
Judge MACT-2 (North)
Rohini Courts, Delhi/18.12.2019