

MACT 492/24

DEEPAK KUMAR Vs. ANIL KUMAR RAM

11.11.2024

Present: Shri Kishan Kumar,Ld. Counsel for petitioner.
Driver in person.
Ms. Anita Saroj,Ld . Counsel for owner.
Shri A. K. Singh, Ld. Counsel for insurance company.

WS filed by owner. Taken on record. Copy supplied.

It is submitted by Ld. Counsel for petitioner that the legal offer is not acceptable to the petitioner as he is under treatment.

WS not filed on behalf of driver. Accordingly, his defence stands struck off.

Considering the fact that legal offer filed by Insurance Company is not acceptable to the petitioner as also taking into account the law laid down by Hon'ble Supreme Court of India in case reported as, "2022 SCC Online SC 1769", titled as, "Gohar Mohammed V/s Uttar Pradesh State Road Transport Corporation & Ors." (DOD: 15.12.2022), the issue which remains to be decided in the matter is only qua "quantum of compensation" which needs to be paid to the petitioner. Accordingly, following issue is framed in the matter:

1. How much is the quantum of compensation which needs to be awarded to the petitioner/injured namely Sh. Deepak Kumar who suffered injuries in road traffic accident on 19.02.2024, at about 8.00 PM at Main Ring Road, In front of kuda khatta, Delhi, within the jurisdiction of PS. Bh. Dairy, due to rashness and negligence on the part of the driver Anil Kumar/R-1, who was driving vehicle bearing registration No. DL1PD1451, owned by Ms Antony Pvt. Ltd./R-2 and insured with IFFICO Tokio General Insurance Company Limited/R-3?

2. Relief.

List the matter for PE now on 24.03.2025.

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

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/11.11.2024