

MACP No. 645/18
Brij Mohan Vs. Rajesh Pahwa & Ors.

06.12.2018

Present : Sh. Anuj Arya, Adv for injured Brij Mohan.
Sh. Amitabh Jha, adv for driver and LR's of regd owner.
Proxy Counsel Sh. U.C. Rai, Adv for Sh. R.K. Gupta, Adv for insurance company.

On request, claimant is allowed to produce his passbook containing necessary endorsement as well as Aadhaar Card and PAN Card in terms of last order dated 11.10.18, on next date.

Separate WS alongwith certain documents filed on behalf of driver and legal heirs of regd owner. Copy thereof supplied.

Insurance co has already filed its reply. Copy thereof supplied.

Counsel for driver assures to provide CD relied alongwith his reply, to counsel for claimant within two weeks from today.

Insurance Co has raised defence in its reply by disputing its liability to pay compensation amount on the ground that insurance policy was obtained in the name of dead person and thus policy was void ab-initio. Hence there does not seem to be possibility of settlement in this case.

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

1. Whether the injured Brij Mohan suffered injuries in road traffic accident on 18.03.2017 at about 9:30pm, near Petrol pump, Prashant

Vihar, Delhi within the jurisdiction of PS Prashant Vihar due to rashness and negligence on the part of the driver Rajesh Pahwa who was driving Car bearing registration no. DL-4CAM-1306, owned by BPC Sharma and insured with ICICI Lombard General Insurance Co.Ltd?OPP.

2. Whether the injured is 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 14.05.2019. 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.

(VIDYA PRAKASH)
Judge MACT-2 (North)
Rohini Courts, Delhi