

MACP No. 622/19
Mina & Ors. V. Radha & Ors.

10.10.2023

Present: Sh. Kuldeep Kumar, Ld. Counsel for the petitioners.
None for driver and owner (defence already struck
off vide order dated 16.03.2021)
Sh. R. K. Gupta, Ld. Counsel for the insurance
company.

Perusal of the records reveals that an **application** filed on behalf of the **petitioners** for converting the present claim petition U/s 166(4) of M. V. Act into a claim petition under section 164 of M. V. Act. (more appropriately U/s 163A of M. V. Act as the accident in question has taken place in the year 2016 prior to the amendment in Motor Vehicle Act, 1988 which came into force w.e.f. 01.04.2022) is pending disposal.

Heard on the aforesaid application. Record perused including the criminal case record.

Ld. Counsels for the petitioners state that the accident in question has taken place due to dense fog which led to pile-up of many vehicles plying on the road.

Ld. Counsel for the insurance company has not preferred to file any reply to the aforesaid application and submits that he has no objection, if the aforesaid application is allowed.

Keeping in view the submissions made and perusal of the criminal case record, the **application** of the petitioners is **allowed**. Henceforth, present claim petition shall be proceeded with u/s. 163A M.V. Act. Let amended petition accordingly be filed.

Application stands disposed off accordingly.

Put up for aforesaid on 09.01.2024.

(Preeti Agrawal Gupta)
Judge MACT-2 (North)
Rohini Courts, Delhi/10.10.2023