

29.08.2023

Present: Sh. Arun Mishra, Ld. Counsel for petitioner.
Sh. Nipun Arora, Ld. Counsel for R1 and R2.

1. Reply to application U/o VII Rule 11 R/w section 151 CPC filed on behalf of petitioner. Copy supplied.

2. Arguments on application U/o VII Rule 11 R/w section 151 CPC filed on behalf of petitioner heard.

3. Ld. Counsel for respondents argued that no cause of action has been mentioned in the DAR. IO has failed to disclose the nature of injuries sustained by the petitioner in the accident. It is nowhere mentioned in the DAR how and where the accident took place. The details of the vehicle involved in the accident has not been mentioned in the site plan. There is no material on record to show that how much compensation can be granted to claimants. No amount of compensation has been mentioned in the DAR. Thus, the DAR may be rejected U/o VII Rule 11 CPC.

4. On the other hand, Ld. Counsel for the petitioner argued that the matter is pending at the stage of evidence. There is no merits in the present application and it has been filed to delay the proceedings therefore, it may be dismissed with heavy cost.

5. I have gone through the record and gave thoughtful considerations to the rival submissions.

6. U/o VII Rule 11 CPC, a petition can be rejected, inter-alia, if the no cause of action has been disclosed in the petition.

7. However, in this petition, in the DAR, IO has specifically mentioned that the accident took place on 30.11.2021 and it involves two motorcycles bearing registration no. DL-4SCH-4193 and DL-4SCV-5316. IO has also filed the copy of FIR No. 737/21, PS Raj Park U/s 279/337 and copy of charge-sheet filed in the said FIR against Anil Kumar/ Driver of Motorcycle no. DL-4SCH-4193. Site plan, MLCs of injured, statement of witnesses and mechanical inspection report of both motorcycles have also been filed alongwith the charge-sheet. The petitioners have already filed their medical documents/ bills on record alongwith their evidence.

8. Therefore, in view of these documents, it cannot be said that no cause of action has been disclosed in the DAR. It is a matter of trial to ascertain the quantum of compensation. In view of above discussion, I find no merits in the application.

The same is dismissed.

Put up for PE on 10.10.2023.

(Gagandeep Jindal)
ADJ-1+ MACT, N/W, Rohini Courts,
29.08.2023