

13.02.2024

Present : Ms. Seema Singh Advocate (mobile phone-9599338558) for
the petitioner.
None for R1.
Sh. Vaibhav Saini Advocate (9718511103) for R2/ insurer.

R2/ insurance company filed written-statement. Copy supplied.

Written-statement of R1 has already come on record.

Pleadings are complete. On the basis of pleadings of the parties, following issues are framed:

- (i). Whether the deceased Vinod Kumar suffered fatal injuries in a motor vehicular accident occurred on 17.11.2018 at 07:30 p.m., at NH-24, near Hindon river bridge, Ghaziabad, U.P. within the jurisdiction of PS Vijay Nagar, due to rash and negligent driving of bus bearing registration no. DL8CNB-7699 (car), driven by respondent no.1 Vinesh? (OPP)
- (ii). Whether the petitioners are entitled to compensation on account of said injuries and if yes, to what extent and from whom? (OPP)
- (iii). Relief?

No other issue arose or pressed for.

By way of inclusion of Rule 150A in Motor Vehicles Rules, 1989, concept of recording of evidence by way of Court Commissioner has been introduced.

In order to achieve timely and expedient decision on this case, with the consent of the parties, a decision is taken for recording of evidence by way of Court Commissioner.

Both sides shall file list of witnesses preferably within Three Days but not later than one week before the Tribunal while sharing an

advanced copy thereof with the opposite parties. Evidence shall continue on day-to-day basis, till conclusion. Any alteration in schedule for recording of evidence, if needed, shall be decided by the Court Commissioner as per convenience of all concerned, to the extent possible.

In case, for any reason the parties are unable to adhere to the time schedule extension can be sought from the Tribunal but not beyond additional Two weeks. The Examination-in-Chief shall be filed by way of affidavit. Its Copy shall be supplied to opposite party. In case, the opposite side is desirous of production of any document by the witness or any other entity for the purpose of cross-examination, an application requesting the same shall be made well in advance before the Tribunal. It is clarified that, unless Court Commissioner is of the view that the interim application made by either of the parties is such that evidence cannot be recorded before its disposal, the recording of evidence shall continue unabatedly.

Petitioner's evidence in this case shall be recorded before Court Commissioner at the convenience of the parties.

Cost of evidence shall be borne by the insurance company i.e Rs.2,000/- per witness. Ld. Counsel for the insurance company shall make the payment for evidence recorded on each date and get it reimbursed later from the insurance company.

Ms. Nisha Phalwaria Advocate (Enrollment no. D/9027/2022), Chamber no. F-70, Karkardooma Court, Delhi (mobile phone no.9810963656) is appointed as Court Commissioner to record PE in this matter. She shall file the report on or before the next date of hearing.

Copy of order be given dasti to the parties. A copy of order be also given to the Ld. Court Commissioner.

Now to come up for RE on 21.03.2024.

(Dr. Tarun Sahrawat)
PO-MACT-01/SHD/KKD
Delhi/13.02.2024