

MACT 10/19

MOHD. JAAN Vs. SUBHRO RAJAK AND

06.09.2023

Present:- Sh.Sahibe Alam proxy counsel for Sh. Lokesh Kumar Mishra, Advocate for petitioner with petitioner.

Sh. Rajneesh Kumar, Advocate for Insurance Company.

None for respondent no 1 & 2.

No PW is present.

Witness be summoned on filing of PF for NDOH.

Diet money be paid at the spot.

At this stage, Ld. Counsel for parties state that evidence in this case be recorded through Ld. Local Commissioner.

By way of inclusion of Rule 150 A 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 & respondent'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.2,500/- 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.

Sh.Vipin Tyagi Advocate, Enrollment No. D-D/12180/22, Mobile No.9015381242, Chamber No.F-66, Karkardooma Courts, Delhi is hereby appointed as Court Commissioner and he shall file the report on or before NDOH. Copy of this order be given dasti.

Put up for final arguments on 29.11.2023.

(Dr.Tarun Sahrawat)
PO-MACT-01/SHD/KKD
06.09.2023