

1 MACT 44526/14

SATYA VEER SINGH Vs. SAHID ETC

21.10.2024

Present:- Petitioner in person.
Ld. counsel for the petitioner through V/C.
Sh. Vinod Kumar, Ld. counsel for
respondent/insurance co. with Manager.

Matter is passed over till 11.00 a.m.

(Vijay Kumar Jha)
PO (MACT-01)/SHD/Delhi
21.10.2024

At 11.30 a.m.

Present:- Petitioner in person.
Sh. Pankaj Kumar, Ld. counsel for the respondents
no.1&2 through V/C.
Sh. Radhey Shyam, Ld. counsel for
respondent/insurance co.

At the request of petitioner, Matter is passed over till
12.00 p.m.

(Vijay Kumar Jha)
PO (MACT-01)/SHD/Delhi

At 12.34 p.m.

Present:- Petitioner in person with Ld. Counsel Sh. Yogesh
Swaroop.
Sh. Pankaj Kumar, Ld. counsel for the respondents
no.1&2 through V/C.
Sh. Radhey Shyam, Ld. counsel for
respondent/insurance co.

It is submitted by Ld. Counsel for the petitioner that the previous counsel had initially filed the claim petition before Karkardooma court which was dismissed in default and another petition was filed in Tis Hazari court without there being any mention of the fact that the claim petition was being dismissed in default in Karkardooma Courts. The claim petition filed in Tis Hazari Court which was primarily dismissed on the ground that the previous claim petition with respect to the same accident was filed which was dismissed in default. The said judgment of Tis Hazari Court dated 15.03.2021 was impugned before Hon'ble High Court of Delhi. In the light of the order dated 24.07.2023 of Hon'ble High Court of Delhi, the present claim petition was restored. This Tribunal vide order dated 17.08.2024 in the light of Rule 8 (2) (b) of Delhi MACT Rules, 2008 passed certain directions.

Ld. Counsel for the petitioner submits that in the claim petition which was pending before Tis Hazari Court four witnesses were examined and other than those four witnesses no other witness is to be examined before this Tribunal and consequently an application for calling the entire record of MACT bearing no.56598/2016 has been made.

In view of the submissions of Ld. Counsel for the petitioner the said application is disposed of with the direction that entire certified copy of claim petition be filed before this Tribunal. The petitioner is at liberty to prove certified copy, subject to the objection of ld. Counsel for opposite party.

Ld. counsel for respondents no.1&2 has stated that as per his information respondent, namely Rajesh Payal has expired on 21.06.2016. The petitioner is at liberty to move appropriate application.

At this stage, on behalf of petitioner an application seeking impleadment of legal heirs of respondent, namely Rajesh Payal has been moved. As there is no objection on behalf of Ld. counsel for respondents no.1&2 and insurance company, the name of respondent, namely Rajesh Payal is hereby deleted and in his place the legal heirs of respondent, namely Rajesh Payal are impleaded as respondents. Amended memo of parties filed, same are taken on record. The application is disposed of.

In the light of submissions of Ld. counsel for respondent written statement be filed with advance copy to Ld. Counsel for the petitioner on or before NDOH.

Put up for framing of issues on **05.12.2024**.

(Vijay Kumar Jha)
PO (MACT-01)/SHD/Delhi
21.10.2024