

MACT 206/22

AWANINDRA NARAYAN PANDEY VS. SANDEEP KUMAR
AND ANR

04.03.2024

Present:- Sh.Ankit Tyagi, Advocate for petitioner.

Sh. S.P.S.Chauhan, Advocate for Insurance
Company/R-2.

None for respondent no.1.

Vakalatnama filed on behalf of Insurance
Company/R-2.

WS filed by Id. Counsel for Insurance company/R-
2.

WS of respondent no.1 is already on record.

Pleading of the parties are complete. As per the
pleadings of parties following issues are framed:

1. Whether petitioner suffered injuries during the
accident occurred on 20.08.2020 at about 10:00 am at Tila Mod
within the jurisdiction of PS Loni Border, District Ghaziabad due
to rash and negligent driving of the vehicle bearing No. DL
1LAD 0513 being driven by respondent No. 1 / driver? OPP

2. Whether petitioner is entitled for compensation, if
so, to what extent and from whom? OPP.

3. Relief.

No other issues arises or pressed.

At this stage, Id. Counsel for parties state that
evidence in this case be recorded through Court commissioner.

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.3,500/- 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.Safraj Ahamad Anasri Advocate (Enrollment no. D/7664/23), Chamber no. E-522, E-Block, Karkardooma Courts, Delhi, mobile phone no.9616979296, is hereby appointed as Court Commissioner and 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.

Put up for RE/cross on 14.05.2024.

(Dr.Tarun Sahrawat)
PO-MACT-01/SHD/KKD
04.03.2024