

MACT 393/22

SANTOSH DEVI AND ORS Vs. IMRAN AND ORS

26.07.2023

Present:- Sh.Kumar Shivam, proxy advocate for petitioner.
Sh. M.Awasthi, Advocate for Insurance Company.
Sh.Vikash, Advocate for respondent no. 1 & 2.
WS filed by Ld. Counsel for respondent no.1 & 2. Copy supplied.

WS of respondent no. 3 is already on record.

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

1. Whether Respondent No. 1 was driving the offending vehicle No. UP 13 AK 7516 on 05.09.2021 at about 04:00 pm at 100 metre behind the Canal Road towards Mumrejapur within the jurisdiction of PS Ahmedgarh, District Bulandshahr in a rash and negligent manner and caused the death of deceased Sh. Ashok Kumar?
OPP

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

3. Relief.

No other issues arises or pressed.

At this stage, Ld. Counsel for parties state that evidence in this case be recorded through Ld. Court 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 and 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. Gaurav Singh Advocate, Enrollment No. D-12611/19, M. No.9811646998, Chamber No.F-725, Karkardooma Courts, Delhi is hereby appointed as Court Commissioner and he shall file the report on or before NDOH. Copy of order be given dasti to the parties.

Put up for final arguments on 14.02.2024.

(Dr.Tarun Sahrawat)
PO-MACT/SHD/KKD
26.07.2023