

KM. KIRAN PANDEY AND ANR Vs. DILEEP KUMAR YADAV AND ANR

01.07.2024

Present:- Sh. Akhilesh Kumar, Ld. counsel for the petitioner.
Sh. Nitin Kumar Goel, Ld. counsel for respondent no.2/insurance co. through V/C.
Sh. Amit Kumar, Ld. counsel for respondent no.1 through V/C.

The issues have been framed on 04.01.2024 and the matter is at the stage of petitioner's evidence.

Respondent no.2/Insurance Co. has already been proceeded exparte. It is submitted by Ld. Counsel for respondent/insurance co. that on behalf of insurance company certain application was moved for setting aside exparte order, however the said application is not traceable on record.

Ld. Counsel for the petitioner submits that there are two other connected matters, namely MACT NO.448/2023 & 449/2023 and that petition bearing MACT NO.449/2023 may be treated as lead petition and that evidence recorded in the said matter be read as *mutatis mutandis* in the other matters. The submission of Ld. Counsel for the petitioner for treating petition bearing MACT NO.449/2023 as lead petition shall be considered on the NDOH.

The petitioner is directed to comply Rule 8 (2b) of Delhi MACT Rules, 2008 r/w Column no.24 of Form G of the petition i.e. petitioner to file the affidavit of witnesses in support of fact which have been averred in the claim petition.

Ahlmad is directed to trace the application filed on behalf of respondent no.2/insurance company for setting aside exparte order.

Put up for further proceedings on 02.09.2024.

(Vijay Kumar Jha)
PO MACT-01/SHD/Delhi
01.07.2024