

MACT 314/20  
BABLI AND ORS Vs. BRAJ PAL AND ORS  
27.02.2023

Present:- Sh. Ankit Srivastva, Advocate for petitioner.  
Sh. S.Ghosh, Advocate for Insurance Company.  
None for respondent no 1 & 2.

Certified copies of criminal case record filed by Ld.  
Counsel for petitioner.

Witness be summoned on filing of PF for NDOH. Diet  
money be paid at the spot.

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.2,000/- 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.

**Ms. Shruti Srihan, Advocate, Enrollment No. D/971/2013, M. No.9873838299, Chamber No.F-302, F-Block, Karkardooma Courts, Delhi** is hereby appointed as Court Commissioner and she shall file the report on or before NDOH. Copy of this order be given dasti.

Put up for final arguments on 06.11.2023.

(Dr.Tarun Sahrawat)  
PO-MACT/SHD/KKD  
27.02.2023