

MACT 364/21

SUMIT AGGARWAL Vs. FIROZ RANA

25.05.2023

Present:- Sh.Neeraj Kumar Dwivedi, Advocate for petitioner with petitioner.

Sh. S.K.Sharma, Advocate for Insurance Company.

Sh.Dharampal, Advocate for respondent no. 1 & 2.

An application under section 151 CPC has already been made on behalf of respondent no. 3/Insurance company to consolidate the case bearing MACT No. 364/21 and MACT 377/21.

Arguments heard. Application perused.

In view of the reason mentioned in the application, the claim cases bearing MACT No. 364/21 and MACT 377/21 arise out of same accident. Therefore, for the purpose of inquiry, both the claim cases are consolidated. Claim case bearing MACT No. 364/21 would be considered as main case and common evidence would be recorded and same shall be kept in the file of main case.

Another application under order 8 Rule 1 CPC made on behalf of Insurance company/R-3 for taking WS on record.

Submissions heard. Application perused.

Reasons mentioned in the application, I allow the application accordingly.

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 28.06.2021 at about 05:00 pm in front of Chaudhary Farm House within the jurisdiction of PS Singhawali Ahir due to rash and negligent driving of the vehicle bearing No. UP 17AT 3594 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.

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

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 respondents i.e Rs.2,000/- each per witness.

**Ms.Taniya Madaan Advocate Enrollment No. D-552/21, M. No.8745079001, Chamber No.149, Western Wing Tis Hazari 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 respondents' evidence on 30.11.2023.

(Dr.Tarun Sahrawat)  
PO-MACT/SHD/KKD  
25.05.2023