

01.4.2019

Present: Sh. Roshan Lal, proxy counsel for Sh. K.K.Dubey, counsel for the petitioner.
R-1 Manoj (driver) in person.
Smt. Anita, who states herself to be the wife/LR of R-2 Umed Singh (owner of offending vehicle).
Sh. Garud M.V, counsel for R-3/Insurance company.
The present application u/o- 1 rule 10 CPC r/w section 151 CPC for deletion of name of R-3/ICICI Lombard General Insurance Company Ltd from array of the respondents has been moved on behalf of applicant-R-3/Insurance Company.
Heard. File perused.
Ld. Counsel for the applicant-R-3/Insurance Company submits that the offending vehicle bearing no. DL-1LP-1245 was not insured on the day of accident and he request that respondent no.3- ICICI Lombard General Insurance Company Ltd may be deleted from the array of the respondents.
The perusal of the record reveals that the DAR was also filed in this case by the IO and therein it has been mentioned that the offending vehicle was not insured on the day of accident.
In view of the above and having regard to the fact and circumstances of the present case and in the interest of justice, R-3/ ICICI Lombard General Insurance Company Ltd is deleted from the array of the respondents, as prayed.
Amended memo of parties be filed by the petitioner on or before the next date of hearing.
Accordingly, the present application moved on behalf of applicant-R-3/ Insurance Company stands disposed of.
Heard on the point of framing of issues. File perused.
From the pleadings of the parties, following issues are framed:

ISSUES

- 1. Whether Hari Nansdan sustained fatal injuries in a motor vehicle accident dt. 30.1.2016 due to rash and negligent driving of vehicle no. DL-1LP-1245 being driven by respondent no. 1 Manoj and owned by respondent no. 2 Umed Singh ? ...OPP***
- 2. Whether the petitioner is entitled to claim compensation if so , what amount and from whom? ... OPP***
- 3. Relief.***

No other issue has arisen or pressed.

List of witnesses be filed by the parties within 10 days.

Advance copy of evidence be supplied to opposite parties at least two weeks before the NDOH.

In view of above and in the interest of justice, put up for PE on 04.9.2019, as requested.

(Paramjit Singh)
PO, MACT (South-West District)
Dwarka Courts, New Delhi
01.4.2019