

20.03.2024

Present: **Advocate** Sh. Rohit Mathur for injured.
None for R1/ (driver) and R2/ (owner).
Advocate Ms. Sunanda Nimisha for R3/New India
Assurance Co. Ltd.

Copy of RC bearing stamp of Sub-Divisional
Judicial Magistrate, Pataudi filed along with list of documents is
taken on record. Copy given.

Heard. File perused.

Application under section 166/140 M.V. Act
seeking compensation/Award Rs.20,00,000/- and interim
compensation Rs.25,000/- has been filed along with copy of FIR
No. 16/21 for offences under section 279/337 IPC PS Bilaspur,
Gurugram, Haryana wherein accident resulting in injury is
alleged to have been caused by Canter No. UP-44-T-5123 on
07.01.2021.

Notice was directed to be issued to respondents on
02.08.2021 and R1 & R2 having appeared in person/through
counsel on 11.10.2021, 12.01.2022, 06.04.2022 and 06.07.2022
have thereafter remained absent on five consecutive dates of
hearing.

Application under Order I Rule 10 r/w 151 CPC for
substituting Manoj Kumar Tiwari s/o Ram Sukh as owner has
been filed on 16.08.2023 along with supporting affidavit of
injured Devi Ram.

It is submitted that Sh. Dinesh Kumar Srivastava
being registered owner on the date of accident has been
impleaded as R2 (owner) on the basis of insurance policy and RC
of the vehicle and aforesaid Canter has been subsequently
transferred to Manoj Kumar Tiwari.

Since Dinesh Kumar Srivastava was registered
owner of aforesaid Canter on the date of accident on 07.01.2021
so application bereft of any merit is **dismissed**.

Following issues are settled on the basis of pleadings:

1. *Whether injured Devi Ram is entitled to receive compensation on account of injuries suffered due to rash and negligent driving of Canter No. UP-44-T-5123 by R1/Arun Kumar (driver) on 07.01.2021 which vehicle was registered in the name of R2/ Dinesh Kumar Srivastava (owner) and was insured with R3/ New India Assurance Co. Ltd. ? ...OPP*
2. *If issue No.1 is decided in affirmative, then what will constitute just compensation payable to injured and by whom? ...Onus on Parties*
3. *Relief.*

No other issue arises or is pressed for.

Affidavit to be tendered in evidence be filed with advance copy to respondents/counsel.

Matter be listed on **31.07.2024** for petitioner's evidence.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/20.03.2024