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MACT333/23

FAZRUDDIN Vs. JITENDER SINGH AND ORS

08.11.2023

Present: Sh. Sunder Lal Sharma-Ld. Counsel for the petitioner.

Sh. Neeraj and H.S. Yadav-Ld. counsels for respondent no. 1 and 2.

Sh. Mehtab Singh-Ld. Counsel for respondent No.3/insurance company.

Sh. Neeraj-Ld. Counsel submits that he is filing reply to DAR with supporting affidavit of Jitender and Shobendra. Copy given.

Ld. counsel for petitioner submits that opportunity to file reply on behalf of R1 and R2 was granted subject to cost of Rs. 3000/- but no cost has been paid till today, do reply filed on their behalf be not read.

Ld. counsel for respondent no. 1 and 2 requests for waiving of cost on the ground that respondent no. 1 and 2 are resident of Gurgaon but due to some reason, they could not come but what was that reason, it has not been told.

In view of above, no ground is made out for waiving of the cost. However, in the interest of justice, cost is reduced to Rs. 500/-. Cost paid.

Spare copy of the legal offer be given to the ld. counsel for petitioner.

From the pleadings of the parties, following issues are framed:

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ISSUES

1. Whether Fajruddin sustained injuries in a motor vehicle accident dt. 02.10.2022 due to rash and negligent driving of vehicle no. DL-1AF-2869 being driven by respondent no. 1-Jitender and owned by respondent no. 2-Sobendera Singh and insured by respondent no.3- Universal Sampo General Insurance Co. Ltd. ? ...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 for.

Matter is adjourned for PE and if evidence is led by way of affidavit, advance copy of the same be supplied to other party at least one week before next date of hearing failing which cost of Rs. 1000/- shall be deemed to be imposed upon the petitioner which petitioner will have to be deposited with DLSA.

Be put up on 08.05.2024.

(Rekha)

**PO (MACT)-01, Dwarka Courts,
New Delhi /08.11.2023**