

14.07.2025

At 10:50 am

Present: Advocate Sh. Ankit Vashishtha has joined through VC whereas Birjesh Kumar is physically present in Court.

Advocate Sh. Banka Bihari Panda for R1/driver has joined through VC.

None for R2/owner.

Advocate Ms. Yukta Verma and Ms. Shivani for R3/New India Assurance Co. Ltd.

It is submitted that R1/Shri Bhagwan (driver) has expired.

Application under Order I Rule 10 read with 151 CPC for impleading owner and insurer of Motorcycle No.HR-26FC-6951 is listed for submissions.

Reply opposing application has been filed by Ld. Counsel for claimants.

Heard.

Contention apropos Sumit being minor at the time of accident can be raised by the insurance company for contending contributory negligence of deceased.

Application under Order I Rule 10 read with 151 CPC is therefore dismissed.

Following issues are settled on the basis of pleadings:

1. ***Whether Late Sumit Kumar sustained fatal injuries in road accident on 17.02.2024 caused due to rash and negligent driving of offending vehicle No. Bus No DL-1PD-4763 by R1/ Shri Bhagwan (driver) which vehicle was registered in the name of R2/Green City Transport Corporation Pvt. Ltd. (owner) and insured with R3/New India Assurance Co. Ltd.?***

...OPP

Contd....2/-

2. *If issue No.1 is decided in affirmative, then what will constitute just compensation payable to dependents and by whom? ...OPP*

3. *Relief.*

No other issue arises or is pressed for.

List of witnesses be filed preferably within a week.

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

Matter be listed on 15.09.2025 for petitioner's evidence.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/14.07.2025