

22.02.2024

Present: **Advocate** Shri Kailash Chand, proxy for Advocate Sh. A.K. Jha for dependents.
Advocate Shri Sandeep Kumar for R1/Rashid (driver) and R2/Mohd. Sabir (owner).
Advocate Shri Dheeru Nigam for R3/Oriental Insurance Co. Ltd.

Reply along with vakalatnama of Ld. Counsel for R3 and joint written statement along Vakalatnama of Ld. Counsel for R1 and R2 are taken on record. Copy given.

Heard. Record perused.

Application under section 166/140 M.V. Act seeking compensation/Award Rs.50,00,000/- with interest @ 12% p.a. and interim compensation Rs.50,000/- has been filed along with copy of charge-sheet for offences under section 279/337/338/304A/427 IPC in FIR No. 557/22 PS Thakurdwara, Muradabad, U.P.

Following issues are settled on the basis of pleadings:

1. *Whether dependents of Late Deepika Rawat are entitled to receive compensation on account of death of deceased caused due to rash and negligent driving of Truck Dumper No. UP-21CN-4745 by R1/Rashid (driver) on 09.12.2022 which vehicle was registered in the name of R2/ Mohd. Sabir and was insured with R3/ Oriental Insurance Co. Ltd. ?* ...OPP
2. *If issue No.1 is decided in affirmative, then what would constitute just compensation payable to dependents and by whom?* ...Onus on Parties
3. *Relief.*

No other issue arises or is pressed for.

Contd...2/-

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

Matter be listed on **16.05.2024** for petitioner's evidence.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/22.02.2024