

15 MACT 666/23
TARAVATI Vs. TINKU KUMAR AND ORS.

13.03.2024

Present: Advocate Sh. Ajeet Kumar for injured.
Advocate Sh. Manjeet Mathur for R1(driver) and R2 (owner)
Advocate Ms. Sunanda Nimisha for R3/New India Assurance Co. Ltd.

Written statement along with vakalatnama of Ld. Counsel for R1 and R2 is taken on record. Copy supplied.

Extra copy of application and annexures received along with process has been supplied to Ms. Sunanda Nimisha for R3/New India Assurance Co. Ltd.

Written statement/reply of R3 be filed on next date with extra copy for opposite party.

Application under section 166 M.V. Act seeking compensation/Award Rs.5,00,000/- with interest @ 12% p.a. and interim compensation Rs.1,00,000/- has been filed along with copy of final report for offences under section 279/338/304A/427 IPC in FIR no. 997/2020 PS Sikandabad, Buland Shehar, U.P.

Following issues are settled on the basis of pleadings:

1. ***Whether injured Tarawati is entitled to receive compensation on account of injuries suffered due to rash and negligent driving of Canter No. HR46E2962 by R1/Tinku Kumar (driver) on 18.12.2020 which vehicle was registered in the name of R2/Rajesh Kumar (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***

Contd/-

3. Relief.

No other issue arises or is pressed for.

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

Matter be listed on **19.07.2024** for petitioner's evidence.

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/13.03.2024