

16 MACT 667/23

MUNNI DEVI AND ANR. Vs. TINKU KUMAR AND ORS.

13.03.2024

Present: Advocate Sh. Ajeet Kumar for dependents of Late Shivam.
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.

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.25,00,000/- 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 parents of Late Shivam aged 08 years are entitled to receive compensation on account of death caused 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 would constitute just compensation payable to dependents 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/counsels.

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

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