

01.07.2024

Present: **Advocate** Sh. Ajit Kumar for dependants of Late Dheeraj Sharma.
Advocate Ms. Deeksha Mishra has joined through VC whereas Advocate Sh. Deepak Sharma for R1 is physically present in Court.
Advocate Sh. Rishabh Gulati has joined through VC whereas Advocate Ms. Savita Yadav for R2/owner is physically present in Court.
Advocate Sh. Vineet Sinha for R3/New India Assurance Co. Ltd.
Advocate Sh. Hardwari Lal for proposed DTC.

Ld. Counsel for R2 has adverted to rukka, site-plan and copy of FIR wherein motorcycle No. DL-9AJ-1865 is stated to be found lying under DTC Bus (Green) No.DL-1PC-7402 for contending that accident resulting in fatal injuries was caused by the DTC Bus and driver/owner of alleged Cluster Bus No.DL-1PC-5938 have been falsely implicated by the IO.

Ld. Counsels for claimants and proposed DTC, per contra, have opposed application under Order 1 Rule 10 CPC filed by R2 by adverting to statements of Shashi Kant (passenger), Satish Kumar (driver) and Ram Niwas (conductor) of DTC Bus.

Since DAR has been filed along with copy of Final Report prepared by the IO on the basis of statements of aforesaid passenger, driver and conductor of DTC Bus so application under Order 1 Rule 10 read with 151 CPC for impleading DTC Bus cannot be disposed at this stage without

recording evidence w.r.t. involvement of alleged Cluster Bus in the accident resulting in fatal injuries.

Following issues are settled on the basis of pleadings:

1. ***Whether dependents of Late Dheeraj Sharma are entitled to receive compensation on account of death caused due to rash and negligent driving of Cluster Bus No. DL-1PC-5938 by R1/Mahesh Kumar (driver) on 10.07.2019 which vehicle was registered in the name of R2/A.B. Grains Spirit Pvt. Ltd. (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 dependents and by whom?*** ...OPP
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 **14.10.2024** for **petitioner's evidence.**

(Tarun Yogesh)
PO, MACT-01, Dwarka Courts,
New Delhi/01.07.2024