

22.03.2024

Present: **Advocate** Sh. Manoj Rai for dependents of Late Surender Kumar.  
**Advocate** Sh. Ravinder Yadav for R1/ (owner) and R3/ (driver).  
**Advocate** Sh. Vikas Sharma for R2/Oriental Insurance Co. Ltd.  
Retd. SI Raj Kumar (IO), PS Kapashera.

Copy of Final Report (abated) alleging deceased Surender Kumar driving his scooty rashly and negligently under influence of alcohol has been filed by the IO.

Ld. Counsels for claimant and R2 have relied upon judgments titled (i) **National Insurance Co. Ltd. Vs. Chamundeshwari & Ors.** AND (ii) **Oriental Insurance Co. Ltd. Vs. Prem Lata Shukla & Ors.** in support of their respective contentions.

Following issues are settled on the basis of pleadings:

1. *Whether dependents of Late Surender Kumar are entitled to receive compensation on account of death caused due to rash and negligent driving of Truck No. HR-55G-2349 by R3/Dilip Singh (driver) on 27.08.2019 which vehicle was registered in the name of R1/ M/S Sumitra Carriers and was insured with R2/ Oriental Insurance Co. Ltd. ?*  
...OPP
2. *If issue No.1 is decided in affirmative, then what will constitute just compensation payable to dependents and by whom? ...Onus on Parties*

Contd...2/-

**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 **26.07.2024** for **petitioner's evidence.**

(Tarun Yogesh)  
PO, MACT-01, Dwarka Courts,  
New Delhi/22.03.2024