

Hardev Singh Vs. Amrik Singh etc.

Present: Shri L.S.Lakhanpal, Advocate, counsel for claimant.
Shri Darshan Sharma, Advocate, counsel for respondent No.2,
Respondent No.1 ex-parte.
Shri Pardeep Kumar Singla, Advocate for respondent No.3
Insurance Company.

Shri Pardeep Kumar Singla, Advocate has filed power of attorney on behalf of respondent No.3. He has filed written statement on behalf of respondent No.3. Copy supplied.

2. Learned counsel for respondent No.3 has also filed an application u/s 170 of the M.V. Act. It is alleged that the present claim petition has been filed by the claimant in collusion with respondents No. 1 & 2. Learned counsel for respondent No.3 i.e. Insurance Company wants to take all the pleas available to them as per law to contest the present petition. Heard. Keeping in view the contents of application, the application filed by Insurance Company under Section 170 of the M.V. Act stands allowed and the Insurance Company is allowed to take all the defences available to them, under law to contest the present petition.

3. In this petition, the issues have already been framed on 24.01.2022 by the learned Predecessor of this Tribunal. Now after appearance of Insurance Company, besides the recasting the earlier issues, necessary issues are framed as under:

1. Whether Hardev Singh suffered injuries in a motor vehicular accident, which took place on 13.06.2018, on account of rash and negligent driving of Balero Pickup bearing No.PB-13T-9015 by Amrik Singh respondent No.1? OPP

2) If issue No.1 is proved, whether the claimant is entitled to receive compensation? If so, to what extent and from which of the respondent? OPP

- 3) Whether the claimant has no locus standi and cause of action to file the present petition? OPR
- 4) Whether the claim petition is bad for non joinder and mis-joinder of necessary parties?
- 5). Whether respondent No.2 was not holding a valid and effective driving license at the time of alleged accident and whether respondent No.1 was not holding valid registration certificate, fitness certificate, route/route permit, pollution certificate and other relevant documents of Bolero Pickup vehicle in question and violated the terms and conditions of the Insurance Policy?OPR3
- 6) Relief.

No other issues arises or pressed or claimed. Now, to come up on 25.01.2024 for evidence of claimant on filing of PF/DM and list of witnesses within 7 days.

Date of order: 08.12.2023
Parveen Kumar

(Preeti Sahni)
MACT, Mansa,
UID: PB0078