

Smt.Balwinder Kaur & Ors. Versus Honey Chauhan & Ors.

Present: Shri Sunidh Kashyap, Advocate, for the claimants.  
Respondent No.1 (driver) ex-parte today.  
Shri Dinesh Chopra, Advocate, for respondent No.2 (owner).  
Shri Shital Bindal, Advocate, for respondent No.3 (Insurer).

Per report of Ahlmad, notice sent to respondent No.1 through registered cover/POD not received back either served or unserved. However, learned counsel for the claimants placed on record the track consignment detail which shows that the notice upon respondent No.1 has been duly served. Several calls given since morning, but none has appeared on behalf of respondent No.1. It is already 12:45 P.M. Further wait is unjustified. Hence, respondent No.1 is hereby proceeded against ex-parte.

Pleadings on behalf of respondents No.2 and 3 are already on record and thus completed.

Heard. From the pleadings of the parties, the following issues are hereby framed:-

1. Whether Balbir Singh S/o Shri Niranjana Singh had died due to the injuries suffered by him in a road side vehicular accident which had occurred on 12.05.2017 in the area of Police Station Parwanoo, on account of rash and negligent driving of Truck bearing registration No.HP-64-9958 by respondent No.1 ? OPP.
2. If issue No.1 is answered in affirmative, then whether the claimants are entitled to be compensated, if so to what extent and by whom ? OPP.
3. Whether respondent No.1 was not holding a valid and effective driving licence at the relevant time of alleged accident, if so to what its effect ? OPR-3.
4. Whether the vehicle in question is being used for other purpose than the purpose for which it was registered as alleged in para No.10 of the preliminary objections, if so to what its effect ? OPR-3.

5. Whether the vehicle in question was being driven without valid documents i.e. valid route permit etc. and in contravention of the terms and conditions of the insurance policy, if so to what its effect ? OPR-3.
6. Relief.

No other issue is pressed or claimed by either of the parties. Onus not objected to. List of witnesses and documents etc. be filed within a week. Now to come up on 30.01.2018 for evidence of the claimants and for **possible settlement** between the parties. PF/DM and list of witnesses be filed within two days, failing which evidence shall be brought at own responsibility. It is made clear that the evidence of the parties shall start with the party/claimants itself. Dasti summons be also given, if so desired. In case any expert witness/Medical Officer is to be examined by any of the parties, his/her evidence may be recorded through video conferencing, if the witness so desires.

Counsel for the claimants is directed to supply the advance copy of the affidavits of the witnesses to be examined to the opposite counsel so that the proposed evidence can be taken on date fixed. In case of failure to supply the advance copy of the affidavits of the proposed witnesses, the claimants shall loose their right to lead evidence.

Meanwhile, counsel for the claimants and respondent No.2 are also directed to place on record ID proofs and residence proofs such as ration card, PAN card, Aadhaar card, Fax/telephone numbers and E-mail ID of their respective parties on the date fixed.

January 06, 2018.  
Jaiveer

(Ritu Tagore),  
MACT, Panchkula.  
UID Number HR- 0029

Next Date: 30.01.2018.

Purpose: \_\_\_\_\_