

CNR No.:HRPK-01-002862-2017

Case No.:MACP/109/2017

Balwinder Kaur & Ors. Vs. Honey Chauhan & Ors.

Present: Shri Sunidh Kashyap, Advocate, for claimants.  
Respondent No.1 (Driver) ex parte vide order dated  
06.01.2018.  
Shri Dinesh Chopra, Advocate for respondent No.2 (Owner).  
Shri Shital Bindal, Advocate for respondent No.3 (Insurer).

No possible settlement took place between the parties.

Learned counsel for respondent No.3 (Insurance company) moved an application under Section 170 of Motor Vehicle Act seeking permission to contest the proceedings on all grounds available to them. Heard. In view of the authority titled as United India Insurance Company Limited vs. Shila Datta and others 2011(6) RAJ 501, the application is allowed and respondent no.3 is permitted to contest the petition on all those grounds available to it under the Motor Vehicles Act.

One PW namely HC Ramesh Chand is present and has been recorded by the Court Commissioners on payment of ₹ 200/- as assessed by the Court. No other PW is present. Per report of Ahlmad, summon issued to concerned doctor, Government Medical College, Sector-32, Chandigarh, received back unserved, however, learned counsel for claimants orally stated that he does not want to examine the concerned doctor. Per further report of Ahlmad, summon issued to authorised representative/Director/Partner of M/s Shivalik Industries, Plot No.19-A, Sector-1, Parwanoo not received back either served or unserved, whereas, summon issued to Dealing Clerk, Income Tax Department received back unserved through Dharmender Singh (official of said department), with the report that the summon/matter is not related to their office, rather, same is related to Income Tax officer, Parwanoo (H.P.). Per further report of Ahlmad, summon issued to Harish Kumar received back with the report of 'Incomplete Address'. Further Adjournment is requested. In view of the request made, post the matter on 06.03.2018 for **remaining evidence of claimants** to be led at their own responsibility. Aforesaid

PWs be again summoned for the date fixed. Fresh summon to PW Harish Kumar be issued on furnishing of latest/complete address by the claimants. Dasti summons be also given to the party concerned, if so desired.

Learned counsel for the claimants is directed to supply the advance copy of affidavits of the witnesses to be examined to the opposite counsel so that the proposed evidence can be taken on the 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, learned counsel for appearing parties are directed to place on record ID proofs and residence proof i.e. PAN card, Aadhar card, ration card, FAX/telephone number and email-id, photographs etc. of their respective parties, on the next date fixed, failing which, the present claim-petition shall not proceed further.

January 30, 2018.  
Arvind

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

Next Date: 06.03.2018

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