

CNR NO.HRKU01-007695-2022

MACP 550 of 2022.

Deepak Kumar Vs. Subhash Chand & Ors.

CNR No.HRKU01-007696-22

MACP 551 of 2022

Poonam Sharma & Ors. Vs. Subhash Chand & Ors.

Presence:

Mr. Vinod Kumar, counsel for petitioners.

Mr. Vikram Singh, counsel for respondents no.1 and 2.

Mr. Rajesh Kumar Singhal, counsel for respondent No.3.

Written statement on behalf of respondents no.1 and 2 have been filed. Power of attorney as well as written statement on behalf of respondent no.3 has also been filed. Copies thereof have been supplied to opposite counsel.

It is pertinent to mention here that one other claim petition No.551 of 2022, titled as “Poonam Sharma & Anr. Vs. Subhash Chand & Ors”, which arise out of the same accident as is the subject matter of present claim petition, is also pending today. Present claim petition as well as other claim petition can be decided by a common award and therefore, both the claim petitions are required to be consolidated. I order accordingly. Present claim petition shall be treated as leading petition wherein the entire evidence shall be led and which shall be read for the purpose of decision of the other claim petition.

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

1. Whether the accident in question, resulting into injuries to **Deepak Kumar** and death of **Desh Raj Sharma**, took place due to rash and negligent driving of vehicle bearing registration No. **HR-97A-1946**, by respondent No.1? OPP
2. Whether the petitioner of (**MACP No.550 of 2022**) is entitled to compensation, if so to what amount and from whom?OPP
3. Whether petitioners of (**MACP No.551 of 2022**) is entitled to compensation, if so to what amount and from whom?OPP

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4. Whether there was violation of the terms and conditions of the insurance policy and respondent No.3 is not liable to pay any compensation? OPR-3
5. Relief.

No other issue is pressed or claimed by either of the counsel for the parties. Onus not objected to. PF, DM and list of witnesses, if any, be within three days. Case is adjourned to **28.02.2023** for evidence of petitioners.

(Rajnish Kumar Sharma)

Motor Accidents Claims Tribunal

Kurukshetra

UID No.HR0166

Date of Order:09.01.2023

(Mahinder Singh)