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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 285/2022**

BATULAN & ANR.

..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

NATIONAL INSURANCE COMPANY LIMITED & ORS.

..... Respondents

Through: Mr. Pankaj Seth, Advocate for R-1
(through video conferencing).

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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13.09.2022

CM APPL. 40225/2022 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

MAC.APP. 284/2022

The appellants have preferred this appeal under Section 173 of the MV Act against the judgment and Award dated 18.04.2022 passed by the Presiding Officer, MACT-01 (Central) Tis Hazari Courts, Delhi, in MACP No. 842/2017.

It is submitted by learned counsel for appellant that there were discrepancies in the registration number of the offending motorcycle and for the clarification of the same, appellant herein summoned SI Ram Charan, the Investigating Officer of the case bearing FIR no. 245/2017 registered under Sections 279/338/304A of the IPC at Police Station Chandapa, Distt.



Hathras, U.P. It is further submitted by him that in order to examine the Investigating Officer, the appellant herein had taken all the steps but the summons were not received back. It is further submitted that learned Tribunal has ignored this fact and observed in order dated 27.01.2020 that the appellant has not taken any steps for summoning all the witnesses which is contrary to the record.

Issue notice.

Learned counsel for respondent no. 1 appears on advance notice and accepts notice.

Issue notice to respondent nos. 2 and 3, on steps being taken by the appellant by all possible modes, returnable on 19th January 2023.

In the meanwhile, trial court record in the digitalized form be requisitioned for the next date of hearing

RAJNISH BHATNAGAR, J

SEPTEMBER 13, 2022

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