

Lalita etc. Vs Sunil etc

Present: Shri Ram Chander Taya, proxy counsel for Shri Deepak Seth, counsel for the Claimants.
Shri Ankush Sharma, counsel for respondent no.1.
Shri Rohit Gupta, counsel for respondent no.3.
Respondent no.2 ex-parte.

Cost paid to the proxy counsel to the claimant.

Written-statement not filed on behalf of respondent no.3.

Copy of written statement supplied to opposite party. The other claim petitions bearing MACP No. 349/2022 titled *Kanika Miglani VS. Sunil etc* arising out of the same accident is pending in this Court for adjudication. In order to avoid conflicting orders, that claim petition is ordered to be consolidated with this claim petition. From the pleadings of the parties following consolidated issues are hereby framed:-

1. Whether accident in question took place on 18.08.2021 at about 04.00 P.M. in the area of P.S. Gharaunda due to rash and negligent driving of offending Truck bearing Registration No.HR-65A-6989 on the part of respondent no.1 resulting into death of Yuvraj Miglani and Chirag Miglani? OPP.
2. If issue no.1 is proved whether the claimants are entitled to any compensation, and if so how much and from whom?OPP
3. Whether the claim petition is not legally maintainable in the present form?OPR
4. Whether the claimants have got no locus standi and cause of action to file the claim petition?OPR
5. Whether the claim petition is bad for mis-joinder and non-joinder of necessary parties?OPR
6. Whether the respondent no.1 was driving the offending vehicle in violation of the terms and conditions of the

insurance policy and is not having a valid driving licence on the alleged date of accident? OPR(3)

7. Relief.

No further issue is pressed or claimed. Now, to come up on **28.02.2024** for evidence of claimants on filing of PF, DM and copy of petition etc within seven days, failing which the witnesses be brought at own responsibility. Evidence of the petitioners is directed to be recorded through Local Commissioner as per provisions of order 18 Rule 4(2) CPC. Sh.Jitender Singh Advocate, who is empaneled Advocate, is appointed as Local Commissioner in this case for recording statement of the parties in this case. Fee of the commissioner for recording the evidence of parties is fixed at ₹1000/- each. Half of the fee of the commissioner shall be paid by the petitioners before commencement of the evidence and other half shall be paid on completion of evidence by the petitioners. The evidence of the witnesses be got recorded in the Library on **28.02.2024** through local commissioner.

09.01.2024

(Anil Kumar)
Motor Accident Claims Tribunal,
Karnal,(UID No.HR0495)

Typed by : Sonal,
Stenographer Gr.II