

In the court of Sh. Anil Kumar Bishnoi
ADJ/ASJ/MACT, Gurugram

दीवानी फार्म संख्या 3 नवीन

न्यायालय में व्यक्तिगत उपस्थिति के लिए

समन

व्यवहार प्रक्रिया सहित के नियम 3 का आदेश 5 व नियम 1 का आदेश 8

न्यायालय IN THE COURT OF Sh. A.K. Bishnoi, MACT,
Gurugram

मुकदमा संख्या 3713-P बाबत वर्ष 2019

श्री 16-3-19 निवासी वादी

श्री Radhakishor बनाम Deepak & ORS.

पता

श्री M/S OLA Fleet Technologies Pvt. Ltd.

निवासी lower ground floor, Plot no- 86,

Udyog Vihar Phase-I, Gurugram.

चूंकि ने

आपके खिलाफ एक बाद प्रस्तुत किया है इस लिए आपको इस लिखित नोटिस के द्वारा हिदायत दी जाती है कि आप इस समन प्राप्ति के 30 दिन के अन्दर-अन्दर अपना लिखित जबाब सभी दस्तावेज के साथ मेरे सम्मुख पेश करें। अतः दिनांक 04/04/19 मास April समय 10:00 बजे प्रातः इस न्यायालय में व्यक्तिगत रूप से या वकील द्वारा उपस्थित हो यदि आप उक्त तिथि को उपस्थित न होंगे तो मुकदमा आपकी अनुपस्थिति में सुना दिया जाएगा तथा निर्मित कर दिया जाएगा।

मेरे हस्ताक्षर तथा न्यायालय में मुद्रांक (मोहर सहित) आज दिनांक 11/3/2019 वर्ष April को जारी किया गया।

न्यायालय की मोहर



न्यायाधीश के हस्ताक्षर
Addl. District & Sessions Judge
Gurugram

15-3-19

**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNALS,
GURUGRAM**

Sh. Radhakishor S/o Sh. Rama shanker aged 42 years R/o H.NO. 174/23, Gali No. 15, Baldev Nagar, Gurugram, Presently residing at H.NO. 301, Gali no. 16, Baldev Nagar, Gurugram (Haryana).

..... **PETITIONER**

VERSUS

1. Deepak S/o Sh. Jagbir R/o Village Gond shekhpur, Tehsil & District- Jhajjar (Haryana), Presently residing at H.NO. 131 Feroz Gandhi Colony No. 1, near Hanuman Mandir, Gurugram. (**Driver** of the offending vehicle No. **HR-55-AC-3459**).
2. M/s Ola Fleet Technologies Pvt. Ltd.

Lower ground floor, Plot no.-86, Udyog vihar phase-1,

Gurugram -122001 (Haryana)
3. M/s Bajaj Allianz General Insurance Company Ltd., having its Registered office at GE Plkaza, Airport Road, Yerwada, Pune-411006 and its divisional office at Golden Heights, 4th floor, NO.1/2, 59TH C Cross, 4th M Block, Rajajinagar, Bangalore-560010. (Insurer of the offending vehicle No. **HR-55-AC-3459**) vide cover note No. **OG-18-1701-1803-00028385** dated 05.03.2018

.....**RESPONDENTS**

CLAIM PETITION UNDER SECTION 166 OF M.V. ACT

Sir,

I, the above named petitioner do hereby apply for grant of compensation on account of injuries sustained in a Road Side Motor Vehicle accident caused due to the rash and negligent driving of the Hyundai Xcent (White color) bearing No. HR-55-AC-3459 driven by. Necessary particulars regarding Motor Vehicle, Accident and Insurance etc. are as under: -

1. Name & Father's name of : Radhakishor S/o late Sh.

- the person injured. Umashanker
2. Full address of the injured person. : R/o-H.NO.301,BALDEV NAGAR,GALINO.16, GURUGRAM.
3. Age of the injured person. : 42 years.
4. Occupation of the injured person. : Vegetable Seller
5. Name & address of the employer of the injured person. : Petitioner himself
Self-Employed
6. Monthly income of the injured person. : Rs.15,000/- to Rs.20,000/- per month.
7. Does the person in respect of whom compensation is an income tax payee if so state the amount of income tax? : No.
8. Place, Date and time of accident : The accident took place on 01.06.2018 at 10:50 PM near Shani Dev Temple ,basai road in the area of P.S. New colony, Gurugram.
9. Name and address of the police station in whose jurisdiction the accident took place and was logged. : The accident took place within the jurisdiction of P.S New colony, Gurugram, where a case U/S 279, 337 of IPC 3/181 , 192 of MV ACT was registered vide FIR No. 0229 Dated-02.06.2018. The FIR regarding this accident was registered by one Chunni Lal on 04.05.2013 vide FIR No.229, dated 02.06.2018, U/s 279, 337 IPC,3/181,192 M.V ACT in P.S. NEW COLONY, Gurugram.

10. Was the person in respect of whom compensation is claimed traveling by the motor vehicle involved in the accident? : No
11. Nature of Injuries sustained. : Petitioner suffered multiple grievous injuries on various parts of his body and also sustained multiple fractures in his arm, legs & elbow joint, got 6 stitches on ear. The said Injuries and fractures have also been detailed in the Medico Legal Report No. 003 dated 01.06.2018 in Navjeevan Hospital, Basai road, Gurugram.
12. Name & address of the medical officer /practitioner who has attended on the injured person. : As in MLR, Dr. Shikha Jain, Navjeevan Hospital, Gurugram and Civil Hospital , Gurugram where the doctor concerned on duty medically examined the injured and treated for injuries.
13. Period of treatment and its expenditure if any incurred thereon (to be supported by documentary evidence). : The petitioner was admitted on 01.06.2018 in Navjeevan Hospital and discharged on 02.06.2018 and again admitted in Civil Hospital, Gurugram on 02.06.2018 and discharged on 07.06.2018 after treatment and is still under treatment.
14. Registration No. and the type of vehicle involved in the accident. : HR-55-AC -3459
Hyundai Xecent Car
15. Name & address of owner of vehicle involved in the accident. : Respondent No.2

16. Name & address of driver : Respondent No.1
of offending vehicle.
17. Name & address of the : Respondent No.3
insurer of the offending
vehicle.
18. Has any claim been : No
lodged with the owner
/insurer? If so with what
result?
19. Full address of the : As mentioned in the title.
applicant / petitioner.
20. Relationship with the : Self
Injured.
21. Title to the property of the : Self
person injured.
22. Amount of the : Rs.3,00,000/- (Rupees Three
compensation claimed. Lacs Only).
23. **Any other information that may be necessary/helpful in the
disposal of the claim: -**

That the petitioner is a hawker and earns Rs.15,000/- to Rs.20,000/- per month. It is pertinent to mention here that the petitioner is the only breadwinner of his family and has Seven Members in his family including his wife, 2 daughters and 3 sons who all are dependent on the petitioner. Due to this unfortunate accident, petitioner has received multiple grievous injuries on various parts of his body and also sustained multiple fractures on his ear, arm/ elbow joint, legs multiple injuries on all over his body and minor fracture in Chest/Ribs. Petitioner was unable to do his work due to which the family members of the petitioner had to suffer from the hardships, mental pain and agony. Petitioner was on bed for about 2 months as he could barely walk or move at that time. Moreover during this period, the petitioner had to borrow money from his friends and relatives for the survival of his family. The petitioner was a healthy person and had suffered a lot because of this accident. The petitioner has incurred a sum of more than Rs. 85,000/- on his treatment, Medicines, special diet and transportation etc. The

petitioner is still taking medicines for pain and is under treatment and much more amount is likely to be spent on future treatment etc. The petitioner has suffered great physical as well as mental harassment, pain and agony. Although, the injuries, losses, pain and agony suffered by the petitioner and his family members cannot be compensated in terms of money yet Rs.3,00,000/- will be a financial booster to the petitioner and his family.

24. BRIEF DESCRIPTION OF THE CASE: -

That the Petitioner is a hawker and sells vegetable. On 01.06.2018, around 10-11:00 PM petitioner was coming back to his home after selling his vegetables. Suddenly a Hyundai Xecent car bearing Registration No. HR-55-AC-3459 came from Basai Road which was being driven by driver in a rash, negligent manner, without caring traffic rules in high speed came from back side of the Rehri and hit the Petitioner. Petitioner fell down, got injured and the Rehri also got damaged. After this incident a person named Satender called the Police. Police came to the accident place and arrest the accused named Deepak. Few peoples reached on the spot took the Petitioner to Navjeen hospital, Basai Road, Gurugram and got him admitted where the doctor on duty medically examined the injured but on 02.06.2018 petitioner with the help of his neighbors, got discharged from Navjeevan hospital because he was unable to afford the medical expenses. On 02.06.2018 he was admitted to the Civil hospital, Gurugram, where he was admitted for 5 days for treatment. Thereafter he got discharged from the civil hospital and was on bed rest for about 2 months as he could not walk or move properly. This accident caused due to sole negligence of the respondent No. 1 who was driving the vehicle in rash and negligent manner at that time under the employment and supervision of the respondent No. 2.

It is, therefore, most humbly prayed that the petition of the petitioner may kindly be accepted and the petitioner may kindly be awarded compensation amount of Rs.3,00,000/- towards the physical as well as metal pain, agony and harassment, along with interest @ of 18% per month from the date of the accident till final realization of the award amount and the respondent may kindly be directed to satisfy the claim of the petitioner jointly and severally.

Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted in favour of the petitioner against the respondents.

Date: 22.02.2019

PETITIONER

Radhakishor S/o late Sh.
Umashanker R/o H.NO. 301, Gali
no.16, Baldev Nagar, Gurugram
(Haryana).

Through Counsel: -

Sonu Tewatia & Shagun Singla,

Advocates, Gurugram.

VERIFICATION: Verified at Gurugram on this 22nd day of February 2019 that the contents of Para No. 1 to 24 of the above claim petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein at all.

PETITIONER

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Required Information format

1	Name of the officer	RAVID UTT
2	Officer mobile number and email ID	9050372571
3	Station name and telephone number	swargadour court
4	Case No.	166 M.V. ACT
5	Case filed under which sections	A.K. Bisnoi
6	Requested information	