

110/191 11.12.2020

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**COURT NOTICE
(U/o 5 Rule 20 CPC)**

**IN THE COURT OF Dr. Ram Niwas Bharati
District and Sessions Judge Sirsa**

**Next Date, Purpose of case, Orders and Judgments as well as other
case information is available on <http://ecourts.gov.in>**

SHIVA

Vs.

Bimal Kumar

**An amount of Rs. 10 lacs with interest @ 18
percent per annum from the date of the
accident till the date of realization of the
amount and also the expenses of litigation.**

CNR No. HRSI01-007788-2018

Next Date:- 04-03-2020

PUBLICATION ISSUED TO:

M/S SANGEETA CARGO MOVERS

:-

**PLOT NO.184-A, KOTHI NO.1021, OPPOSITE BISV CAMP, MAHILPUR,
DELHI**

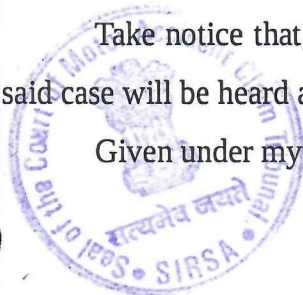
To,

The Manager
Dainik Jagran, Delhi.

Whereas it has been proved to the satisfaction of the Court that the defendant(s)/respondent(s) above named cannot be served in the ordinary way of service. Hence, this proclamation **under order 5 Rule 20 CPC** is hereby issued against him/them and should appear personally or through their counsel on **04-03-2020 at 10:00 a.m.**

Take notice that, in default of his/their appearance on the day before mentioned, the above said case will be heard and determined in his/their absence according to law.

Given under my hand and the seal of the Court, this **11-02-2020**.




**District and Sessions Judge
Sirsa**

No. 191

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BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL, SIRSA

Shiva, aged 20 years, son of Shri Raj Kumar, resident of Inderpuri Mohalla, Sirsa, District Sirsa

..Claimant/Petitioner

Versus

1. Bimal Kumar son of Shri Sham Sunder, resident of Numaish Camp, New Gopal Nagar, Saharanpur (UP) (Driver of Truck no.DL-1LV/6905)
2. M/s Sangeeta Cargo Movers, Plot no.184A, Kothi no.1021, Opposite BISV Camp, Mahipalpur, Delhi. (Owner of Truck no.DL-1LV/6905)
3. Shri Ram General Company Ltd. E-8, EPIP, Sitapura, Industrial Area, Jaipur (Rajasthan) with which the aforesaid Truck no.DL-1LV/6905 was insured at the time of accident, vide policy no.101023/31/18/018194, valid w.e.f. 31-03-2018 to 30-03-2019

....Respondents

CLAIM PETITION UNDER SECTION 166 OF THE MOTOR VEHICLE ACT, 1988 AS AMENDED UPTO DATE FOR GRANT OF COMPENSATION OF Rs.10 LACS ALONGWITH INTEREST AT THE RATE OF 18% PER ANNUM FROM THE DATE OF ACCIDENT, TILL THE DATE OF FINAL REALISATION OF THE AMOUNT FROM THE

AP/2018
22/03/2018

RESPONDENTS JOINTLY AND SEVERALLY, ON ACCOUNT OF MULTIPLE SERIOUS, GREIVIOUS INJURIES AND PERMANENT DISABILITY TO THE PETITIONER IN A MOTOR VEHICLE ACCIDENT, CAUSED BY THE RESPONDENT NO.1 WHILE DRIVING THE PRIVATE TRUCK NO.DL-1LV/6905 IN A RASH AND NEGLIGENT MANNER AND ALSO AN AMOUNT OF RS.50,000/- AS INTERIM COMPENSATION UNDER SECTION 140 OF MOTOR VEHICLE ACT: ON THE BASIS OF EVIDENCE OF EVERY DESCRIPTION ORAL AND DOCUMENTARY:

Sir,

I the above named claimant/ petitioner do hereby apply for grant of compensation of Rs.10 lacs alongwith interest at the rate of 18% per annum from the date of accident, till the date of final realization of the amount from the respondents jointly and severally. The necessary particulars as required under the Motor vehicle Act and rules framed there under are as follows:-

1. Name and Father Shiva son of Shri Raj Kumar
of Injured.
2. Full address of Inderpuri Mohalla, Sirsa,
the injured. District Sirsa
3. Age of the 20 years

Injured

4. Occupation of Petitioner is a labourer by profession and he also used to do the work of waiter in the hotel as well as in marriage parties & was earning Rs.20,000/- per month.
5. Monthly income of the Injured . Rs.20,000/- per month
6. Name and address of the employer of the injured . Self employed
7. Does the person in respect of whom compensation is being claimed , was an Income Tax assessee? If so give the documentary proof. Not applicable
8. Place, date and time of accident. The accident took place on 14-05-2018 at about 4:00 P.M. near the Bajekan Mod, Sirsa, District Sirsa.
9. Name and address The accident took place within

of the Police Station under whose jurisdiction the accident took place and the case was registered. the jurisdiction of Police Station Sadar Sirsa, where a case FIR no.115 dated 15-05-2018 Under Sections 279/337/338/427 IPC was registered with the Police Station Sadar Sirsa.

10. Was the person in respect of whom compensation is being claimed as traveling in Motor vehicle and if so give the place of starting journey and its destination. That on 14-08-2018 at about 4:00 P.M, the petitioner was going on a motor cycle bearing no.HR-24M/8975. The motor cycle was being driven by Sunil Sharma son of Shri Sham Sundar Sharma and the petitioner was riding as a pillion rider and when. The petitioner & Sunil Kumar after completing the work were going to their home from Nishu Raj Resort and were on their correct left side of the road and when the reached near the Sirsa City in the meanwhile one truck bearing no.DL-1LV/6905 was seen coming from the opposite direction, the driver of the truck as driving

the truck at a very high neck speed and in a rash and negligent manner. The driver of the truck after overtaking the another vehicle struck his truck into the motor cycle of petitioner in a straightway, as a result of which both the occupants of motor cycle fall on the road and sustained serious and grievous injuries on their person including serious leg fracture.

11. Nature of Petitioner sustained serious Injuries sustained and grievous and multiple by the Injured . injuries on his person including serious fracture of leg. The petitioner inspite of the best treatment in the best hospital and very painful treatment has not been cured sofa and is still undergoing the treatment and has become a totally disabled person, bed ridden, medical report, x-ray report and other documents

relating to the petitioner is attached herewith.

12. Name and address of the Medical Officer, who attended on the injured .

After the accident, the petitioner was firstly taken to Civil Hospital, Sirsa from where on account of the very serious condition of the petitioner, the petitioner was taken to DMC Hospital, Sirsa, where the petitioner remained admitted w.e.f. 14-05-2018 to 18-05-2018, where he underwent serious operation of leg and has been still undergoing the followup treatment from the said hospital. The petitioner still requires feature re-correctional surgeries.

13. Period of treatment and expenses, if any incurred on the person of injured .

After the accident, The petitioner right from the day of accident has been undergoing the treatment. An amount of Rs.1,00,000/- has already been spent by the petitioner, but inspite of costly treatment, he

has not been cured so far properly. However as stated above an amount of Rs. 1,00,000/- have already been spent on the so far treatment of petitioner including medicines, special diets, tests, transportation etc. etc. & he requires further an amount of Rs. 1,00,000/- approximately for his follow-up treatment, as petitioner is suffering serious problem on his person due to head injury.

14. No. and description of the motor vehicle involved in the accident. Private Truck no.DL-1LV/6905 was the offending vehicle in this case
15. Name and address of the registered owner of the offending vehicle involved in the accident. Respondents No.2 is the owner of the offending vehicle as per sale invoice and release order
16. Name and Respondent no.3 is the insurer

address of the of offending vehicle
 Insurer of the
 offending vehicle
 involved in the
 accident.

17. Has any claim No
 been lodged with
 the owner or
 Insurer of the
 Motor vehicle
 involved in the
 accident, earlier,
 if So with what
 result.

18. Name and As given in the head note of
 address of the the claim petition.
 petitioner/
 applicant

19. Relationship of Self
 the claimants/
 petitioners with
 the injured .

20. Title to the Self.
 property of the
 Injured .

21. Amount of Rs.10 lakhs U/s 166 of M.V. Act

compensation
claimed.

alongwith interest at the rate
of 18% per annum from the date
of accident, till the date of
final realization and
Rs.50,000/- as interim
compensation under section 140
of M.V. Act.

22. Any other information that may be necessary or
helpful in the disposal of the claim petition.

Before the Accident, Petitioner was all hale and
hearty and he was not suffering from any disease or
vices/ infirmities. He was enjoying very good health.
He prior to accident he was doing the work of labour
and besides this also used to work as a waiter in the
marriages & hotel, from the above source of incomes
he was easily earning Rs.20,000/- per month and he
used to spend all the income upon his family members.
But now after the accident, petitioner has become
unable to do any work, including the labourer work &
other physical work, as petitioner is suffering from
serious problem/injuries/fracture for which till
today he is unable to recover properly. Petitioner
has become dependant upon the others, as he has been
left totally crippled man. Hence the earning source
of the petitioner has been completely come to an end.

A human life health cannot be measured in terms of money, but petitioner is still entitled to compensation on account of pecuniary and non pecuniary losses on the following heads/counts:-

- i. Pain and sufferings
- ii. Medical Bills and hospitalization charges
- iii. Loss of income
- iv. Special diet
- v. Service of attendants
- vi. Transportation charges
- vii. Loss of Pleasure and happiness
- viii. Future expenses and treatment

23. Reasons for late submission of the claim petition
Claim Petition is well within the period of limitation

24. Cause of accident with brief description.

That on 14-08-2018 at about 4:00 P.M, the petitioner was going on a motor cycle bearing no.HR-24M/8975. The motor cycle was being driven by Sunil Sharma son of Shri Sham Sundar Sharma and the petitioner was riding as a pillion rider and when. The petitioner & Sunil Kumar after completing the work were going to their home from Nishu Raj Resort and were on their correct left side of the road and when the reached near the Sirsa City in the meanwhile one truck bearing no.DL-1LV/6905 was seen coming from the opposite direction, the driver of the truck as driving the truck at a very high neck speed and in a rash and negligent manner. The driver of the truck after overtaking the another vehicle struck his truck into the motor cycle of petitioner in a straightway, as a result of which both the occupants of motor cycle fall on the road and sustained serious and grievous injuries on their person including serious leg fracture and in the said accident the motor cycle has also been damaged badly. This accident took place entirely due to rash and negligent driving of respondent no.1 and hence a case FIR no.115 dated 15-

05-2018 Under Sections 279/337/ 338/427 IPC was registered with the Police Station Sadar Sirsa, Distt. Sirsa.

24(I). That the respondent no.1 being its driver, respondent no.2 being owner and the respondent no.3 being the Insurer of the Truck, are jointly and severally liable for the compensation as prayed for.

It is, therefore, prayed that the petition in hand may kindly be accepted and the petitioner be awarded compensation of Rs.10 lacs ^{of 59,000/- Sh. 1037 U/S 140 of M.V. Act} alongwith interest at the rate of 18% per annum from the date of accident, till the date of ^{its} realization, payable by the respondents, alongwith costs of the petition, in the interest of justice.

Verification

Verified that the contents contained in the above paras of petition are true and correct to the best of knowledge and nothing has been kept concealed therein.

Submitted by
Shiva son of Shri Raj Kumar, resident of Inderpuri Mohalla, Sirsa, District Sirsa

Verified at Sirsa/

....Claimant/ Petitioner

....Claimant/Petitioner

[Handwritten signature]

THROUGH: ROBIN MEHTA, ADV. SIRSA

[Handwritten signatures]