

Case No:- CEC/SD/D/52/2016

Lt Sh. Shaokat Ali

v/s

Sh. Prasenjit & Ors

11/11/2024

For claimant Sh. Athar Alam Adv. aly mi' m

Sh. Sultan Khan Adv. Pt'

For R2 & R3 Sh. Sachin Kumar Adv. aly mi' m

R2 & R3 In person Pt'.

For R1

Submissions received by the court after the

intimation of order dated 03/04/2019.

Specifically pointed out para 4 of order
wherein it is stated that the Sh. Alam

has held jointly & jointly sep. of
R1/2/3. Poran 10 & stated the
statute of claim & down on which
order was passed.

Amount Rs 677760/- a/c 14
12% int. as well as penalty of 50%.
of which amount Rs 5000/- Rs
is not included. In regard
of which filed by R2 & R3 dt 17/2/20
supported by affidavit of Philip
Kumar.

In final decision the court
afforded the applicant & substituted
on the facts given upon its delay
& the applicant is liable to be dismissed.
Further it is also argued that
applicant has been filed after 2 yrs
& prayed off be dismissed.

On the other side AR was submitted
that R2/3 never received notice
before filing order 3/4/19. & the
the court says. as such order suffers
from errors being not pointed out
being a principle of natural justice.

it is further argued that R2/3 comes only
notice of H's order when security
was passed by DC off. & then after he
highlighted H's aff. & prayed that aff be
allowed & execute order dt 3/4/19 be
per. set aside.

I have heard the submission of
both the counsels in detail. From the
arguments I have found that order
was passed on 3/4/19 inflexibly all the
reps. with direction to pay ordered
amount jointly or severally. The argument
advanced by the client that no notice was
ever served by client from the office
on such order. does not have any merit.
but as far as record. the then ed. comm. has
sent summons dt 28/12/18 trying to set
part. after R223, since the said sum
was served / returned back with any
ground in H's cont. As such it is
found that the said sum was duly
served by R2/3 as such after now H's
2nd affidavit as filed aff to recall
order dt 3/4/19 does not appear justified
before the court. 3/4/19 the then

to carry give affidavit to R2/3
& defend if any interference.

Letter after para 4 of the said
order dt 3/4/19 readed by the then
Commissioner in the case related to
death of claimant / deceased Shri. Aji
by which his family suffered a lot.
In this accident instead of claimant
deceased he lost all his earning
capacity & family difficulty to live
social life which cannot be fulfilled.

The way which has been awarded
only can give financial support.

The Act enacted by the Parliament
is the Swage's Act. As such it was
the resp. of resp's. to this charge the
resp. so that deceased family should
not suffer & it was not done & because
incentive to such deceased family

Considering the facts of case I do
not find any merit in application dated
17/2/20 is dismissed. References
are directed to comply the directions
my freedom into to. Copy of order
be given date. It to be certified RR.

Randeep
SANDEEP KUMAR (ADV.)
for Respondent No. 2 & 3.

Atyash Dham
Sulaiman Khan
Dary
counsel for claimant

