

8 MACT 202/23
RAJBALA Vs. GAURAV

12.03.2025

One of the Stenos is on leave today.

Present: Sh. Pankaj Kumar, Ld. Counsel for petitioners alongwith petitioner No.

None for respondents.

Compliance in terms of previous order is not yet done. It is submitted orally by Ld. Counsel for petitioners that DAR is not filed in the matter. It is observed that the accident pertains to Haryana and it is not the plea of the petitioners that DAR is not being filed in the State of Haryana. The claim petition was filed and taken up on 23.03.2023 itself and it is strange that despite being residents of Sonipat and accident stated to have taken place in Sonipat itself, till date petitioners despite directions have not moved any application before the concerned MACT even for seeking status of DAR and in case not filed, thereafter filed requisite affidavit regarding non-filing of DAR, before the present Tribunal. It is also strange that while the claim petition and accompanying affidavit of P1, was prepared and verified in Delhi, petitioner nos. 1 & 2 have not appeared before the Tribunal and even Petitioner No.3 had appeared for the first time only on 07.10.2023 and further P1 & P2 have not filed affidavits in support of claim petition. Statement under Section 161 Cr.P.C of witnesses is not filed with criminal case record. FIR was registered with delay of two days.

Mechanical Inspection report are not completely legible. Seizure memo of offending vehicle and notice served to owner are not filed on record. Charge-sheet does not explain how the driver of offending vehicle was traced out. It mentions though that vehicles were seized from the spot. All of the petitioners are directed to remain present on next date and directed to move an application before concerned MACT Sonipat, seeking status of DAR and P2 & P3 are directed to file their affidavits in support of the claim petition.

Be put up for appearance of all petitioners/further proceedings on **05.04.2025** .

(Mayuri Singh)
P.O. MACT (East)/Delhi
12.03.2025