

21. MACT 406/23
MOHAN SINGH Vs. JAY SHREE SHYAQM TRADERS.

14.07.2023

Fresh claim petition under Section 166 and 140 of the MV Act received. It be checked and registered.

Present : None for parties.

Petitioner is absent and has never appeared before the court.

On Perusal of record, it is revealed that the claimant is stated to be resident of Trilok Puri, East Delhi-110091 and the incident in question took place at around 7:30 am at Kohli Dharam Kanta, Sector-8, Noida, U.P. within the jurisdiction of PS Phase-I, Gautam Budhha Nagar on 19.01.2023.

In this regard, it is pertinent to note that the Central Vehicles Rules 1989 has been recently amended vide The Central Motor Vehicles (fifth amendment) Rules 2022. The amended rules came into effect from 01.04.2022 and were published by Ministry of Road Transport & Highways vide its notification dated 25.02.2022. Vide said amendment, new rule 150A has been inserted which provides the procedure to be followed for investigation of all accident cases arising out of use of motor vehicles in accordance with Annexure VIII inserted in rules vide said amendment. The Annexure VIII provides detailed procedure for investigation of the road accident cases.

As per procedure of the investigation prescribed vide Annexure VIII, the Investigating Officer of the incident has to intimate the Motor Accident Claims Tribunal of area in question within 48 hours of the incident by submitting First Accident Report (FAR) in Form I. The Investigating Officer has to thereon file an Interim Accident Report (IAR) in Form V before Claims Tribunal of the area in question within 50 days of the accident. The Investigating Officer has to finally also file a Detailed Accident Report (DAR) in Form VII before the said Claims Tribunal within 90 days of the incident.

Furthermore, as per Clause 21 of Form VIII, the Claims Tribunal has to mandatory treat the DAR as claim petition filed for compensation under section 166 (4) of the MV Act, if the final report under Section 173 the Code of

Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) brings a case of rash and negligent driving. However, in cases, where DAR does not bring a case of rashness or negligence, the Claims Tribunal has to register the case under Section 164 of the Motor Vehicles Act, 1988 (hereinafter referred to as M.V Act).

In view of the above said, it is clear that in the present case also, the IO must have filed First Accident Report (FAR), interim Accident Report (IAR) and Detailed Accident Report (DAR) before the concerned Claims Tribunal of the area where the incident in question has taken place. Therefore, in these circumstances, to rule out a case of pursuing same remedy by the petitioner/claimant before two Claims Tribunals and in order to rule out the multiplicity of the proceedings, it is imperative to ask the petitioner to furnish a copy of withdrawal of claim from concerned Claims Tribunal where the incident in question has already taken place before proceeding further with this petition at hand.

Hence, the claimants / petitioner is hereby directed to furnish certified copy of the statement of withdrawal of claim petition arising from the DAR filed before the concerned Claims Tribunal of the area of incident in question.

To come up for filing of certified copy of statement of withdrawal of claim petition / filing of certified copy of criminal case record/appearance of the petitioner **and clarifications on the point of limitation as the petition appears time barred.**

Be put up on 17.10.2023.

(Mayuri Singh)
P.O. MACT (East)/Delhi
14.07.2023