

MACP Nos.7/18, 8/18 & 9/18
Shitanshu, Deepak & Anuj Vs. Jamvant Yadav & Ors.
DAR Nos. 882/17 & 883/17
Shitanshu & Deepak Vs. Anuj Kr. & Ors.

03.04.2018

Present: Claimants Shitanshu Sharma and Deepak with Sh. Rajesh, Ld.Advocate.
Claimant Anuj Kr. Saxena with Sh. K.B. Singh, Ld. Advocate.
Sh.Mohd. Raghib, Ld.Counsel for ICICI Lombard Gen. Ins. Co.

Three claim petitions bearing MACP Nos.7/18, 8/18 & 9/18 filed by the above three petitioners respectively are fixed for today and two connected DAR Nos. D-882/17 and D-883/17 qua the claimants/petitioners Shitanshu Sharma and Deepak respectively are also fixed for today. Two vehicles, i.e. one Hyundai Grand bearing registration no. HR-29AJ-4069 and the other being trunk bearing registration no. HR-61A-3058, are involved in the accident. All the above three claimants of MACP Nos.7/18, 8/18 & 9/18 were the occupants of the above car, which was being driven by the claimant Anuj Kr. Saxena, who has been made accused in the criminal case registered about the above accident vide FIR No. 68/17, under Sections 279/338 IPC, PS Vasant Kunj South. Claimant Shitanshu Sharma is owner of the above car, which is insured with ICICI Lombard Gen. Ins. Co. and they all have been impleaded in their above capacities in the above two DARs by the IO.

The car was made the offending vehicle in the criminal case as well as in the DAR, as it is alleged to have struck from behind against the above moving truck. Earlier one legal offer on behalf of R-3 in DAR No. 883/17 qua the petitioner Deepak was filed and WS on behalf of the other two respondents were also filed. The issue of maintainability of the other DAR bearing no. D-882/17 qua Shitanshu Sharma was also raised on behalf of R-3. However, subsequently, the above three claim petitions have been filed by the three claimants while impleading driver and owner of the above truck as respondents and it is their case that the said accident occurred due to rash and negligent driving on the part of driver of the above truck. It is also stated by Ld. Counsels for the claimants, as well

as the claimants themselves, that they are not satisfied with the investigation done by the police in the criminal case and the IO has malafidely made the above car as offending vehicle and claimant Anuj Kr. Saxena as the accused in the above criminal case and hence, they are not interested in pursuing their claims in the above DARs or against the insurer of the above car and that is the reason they have already filed the above petitions.

In view of above, the insurer, i.e. ICICI Lombard Gen. Ins. Co. Ltd., of the said car is being discharged in the present proceedings. The claim of the two petitioners Shitanshu Sharma and Deepak in the above DARs bearing no. D-882/17 & D-883/17 respectively shall also stand filed and files of both these two DARs are directed to be attached with their respective claim petitions for further proceedings and from now onwards only the above three claim petitions shall proceed further.

The details of the driver and owner, as well as insurer of the above truck, were not available to the petitioners and hence, in all the three claim petitions, only the names of driver and owner as R-1 & R-2 respectively have been given with their parentage. IO has today supplied copies of relevant documents in this regard to the Ld. Counsels for the petitioners and copies of some documents in this regard are also placed on record by the IO. As per these documents, the above truck was insured with Iffco- Tokio General insurance Co. Ltd. and the said company is directed to be impleaded on record as R-3 being a necessary party to these claim petitions.

Let notice of these three claim petitions be issued to all the three respondents by all the prescribed modes on filing of PF for the next date, as per the addresses of these respondents furnished today.

Let an amended memo of parties be also filed by the petitioners by the next date.

Put up the matters for further proceedings on **04.06.2018**. Copy of this order be placed in all the five cases.

In terms of directions given by the Hon'ble Delhi High Court on 15.12.2017 in the case of Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors., FAO No. 842/2003, the claimant (s) is/are directed to open savings bank account (s) in a nationalized bank near the place of his/her/their residence (s) and Manager of the concerned bank is directed not to issue any cheque book and/or debit card to the claimant (s) and if the same has/have already been issued, to cancel the same and to make an endorsement on the passbook of the claimants (s) that no cheque book and/or debit card shall be issued without the permission of the court.

A copy of this order be given dasti to the claimant (s) and he/she/they are directed to produce the passbook (s) with necessary endorsement, as all well as his/her/their Aadhar Card (s) and PAN Card (s) before this Tribunal on the date fixed.

(M.K. NAGPAL)
Judge/MACT, New Delhi
03.04.2018