

MACP No. _____/19
Sachin Dhawan Vs. Udai Kumar & Ors.

26.03.2019

Present: Sh. Avneesh Rai, Ld. Counsel for the petitioner.

This claim petition stands already filed on 20.03.2019. Let It be checked and registered as per rules.

Separate DAR in this matter has been filed today and same is adjourned to 28.05.2019.

Hence, let this petition be also put up on **28.05.2019** and notice of this petition be issued to all the respondents on filing of PF etc. for the date fixed.

(M.K. NAGPAL)
Judge/MACT, New Delhi
26.03.2019

DAR Nos.4734/19 & 4735/19
Sachin Dhawan & Amit Vs. Udai Kumar & Anr.

26.03.2019

Detailed Accident Information Reports have been filed. It be checked and registered.

Present: IO/ASI Jai Singh in person.
Mother of the injured of DAR No.4734/19 with Sh. Avneesh Rai, Advocate.
Injured of DAR No.4735/19 with proxy counsel.
Driver and owner with Sh. J.S. Tanwar, Advocate.

These above two connected DARs arising out of the same accident have been filed by IO in form no.54 of Central Motor Vehicle Rules alongwith photocopies of criminal record. Copies supplied. Vakalatnamas on behalf of all the parties have been filed.

Parties to file their affidavits with respect to the statements made in the DAR. Respondents are directed to file reply/written statement alongwith an affidavit regarding their movable and immovable property by the next date of hearing. IO is also directed to file movable and immovable property details of driver and owner on the next date.

Insurance policy of the offending vehicle is reported to be fake. IO states that the offending vehicle stands already released on superdari. However, it is found from copy of superdri order placed on record that no security has been taken by the Ld. MM concerned in terms of the provisions contained in Rule 6 of Delhi Motor Accident Claims Tribunal Rules, 2008 towards satisfaction of the awards which may be passed in the above two connected DARs. Hence, let IO to move appropriate application before the Ld. MM concerned seeking modification of terms of the superdari of offending vehicle and for taking appropriate security in terms of the above provision and in case of failure of respondent to furnish it, for public auction of the vehicle as persaid provision.

Put up for filing of aforesaid affidavits/reply/written statement/settlement/further proceedings on **28.05.2019**.

In terms of provisions contained in Clause 31 of the Modified Claim Tribunal Agreed Procedure, as amended vide order dated 07.12.2018 of the Hon'ble Delhi High Court in the case of Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors., FAO No. 842/2003, the petitioners/ claimants of both the DARs are directed to open their MACT Claims SB Accounts in any of the 21 nationalized banks near the place of their residence (s) and Manager of the concerned bank (s) is directed not to issue any cheque books and/or debit cards to the claimants and if the same have already been issued, to cancel the same and to make an endorsement on the passbooks of the claimants that no cheque book and/or debit card shall be issued without the permission of the court. However, the concerned bank (s) shall permit the claimants to withdraw money from their respective savings bank account by means of a withdrawal form or through biometric authentication.

A copy of this order be given dasti to the claimants and they are directed to produce their passbooks with necessary endorsements, as all well as their Aadhar Cards and PAN Cards before this Tribunal on the date fixed.

(M.K. NAGPAL)
Judge/MACT, New Delhi
26.03.2019