

MACP No.42/2023
Ram Kumar Pandit V/s Anil Kumar Sharda
FIR No.593/2020
PS Samaipur Badli

02.03.2023

**Fresh DAR filed. It be checked and registered.
DAR is treated as claim petition u/s 166 (4) of MV Act.**

Present: Shri Ankit Hooda, Ld. Counsel for the petitioner/injured alongwith
petitioner/injured in person.

Shri Monu Nandal, Ld. Counsel for driver and owner.

Shri Sujit Jaiswal, Ld. Counsel for the Insurance Company.

IO/HC Devender Kumar in person.

Memo of Appearance has been filed on behalf of Insurance
Company, same is taken on record.

Copy of DAR supplied to learned counsel for petitioner/injured,
learned counsel for driver and owner as also to learned counsel for the Insurance
Company.

Let written statement by driver, owner and legal offer in form
III/reply by insurance company be filed within 30 days after supplying advance
copy to the opposite parties through counsel against receipt.

Memo of parties be filed by the petitioner/injured on the next date
of hearing.

The petitioner/injured **Shri Ram Kumar Pandit, S/o Shri
Jawahar Lal** is directed in terms of order dated 07.12.2018 of Hon'ble Justice
J.R. Midha in case titled as, "**Rajesh Tyagi and Others Vs. Jaibir Singh
and Others**", FAO No.842/03, as per clause 18 of MCTAP, to open a MACT
saving bank account in a nationalized bank near the place of his residence and
the concerned bank is directed not to issue any cheque book and/or debit card to

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the petitioner and if the same has already been issued, the bank is directed to cancel the same and to make an endorsement on the passbook of the petitioner to the effect that no cheque book and/or debit card shall be issued without the permission of the Court. The petitioner is directed to produce the copy of the order before the concerned bank whereupon the bank is directed to make the endorsement on the passbook. The petitioner is directed to produce the passbook with the necessary endorsement as well as Aadhaar Card and PAN Card before the Claims Tribunal on next date. Copy of this order be given dasti to the counsel for the claimant for compliance.

At this stage, it is noted that FIR in the matter was registered on 23.09.2020, whereas DAR in the matter has been filed today in Court. **There is delay of about two years in filing the DAR.** Accordingly, a copy of this order be sent to DCP (Outer-North District) with the directions to personally look into the matter and get an inquiry conducted in respect of the unexplained delay in filing the DAR and to take action against the officials including the SHO and ACP (concerned) under whose supervision the DAR was to be filed.

Put up this petition for further consideration/report of DCP (Outer-North District) now on **25.04.2023**.

At this stage, an application has been filed/moved on behalf of injured/petitioner **Shri Ram Kumar Pandit, S/o Shri Jawahar Lal**, *inter alia* seeking necessary directions to the concerned hospital for issuance of Disability certificate to the petitioner.

Heard.

Application is supported with affidavit of injured. In view of the submissions, MS, BSA Hospital, Delhi is directed to constitute a board of doctors consisting of atleast 3 doctors to assess the disability if any, suffered by the injured in the accident and file the report regarding the nature and extent of

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disability suffered by him. The report along with 3 spare copies to be sent within 2 months. The petitioner **Shri Ram Kumar Pandit, S/o Shri Jawahar Lal** is directed to report to MS, BSA Hospital alongwith complete medical treatment record alongwith self attested copy copies of his medical treatment record including MLC with dasti copy of this order on **07.03.2023 at 11.00 AM**.

It is hereby directed that the MS, BSA Hospital shall make arrangements to send the Disability Certificate/Report to this Tribunal directly through a responsible officer, who will appear alongwith report and relevant record(s), so that his statement could be recorded on the same day.

Application is disposed of accordingly.

Renotify the matter for further consideration/report of DCP (Outer-North District) for the date already fixed, i.e on **25.04.2023**.

(Vinod Yadav)
Judge MACT-2 (North)
Rohini Courts, Delhi/02.03.2023