

MACP No.39/22

Pushpawati & Ors. Vs. Sarabjeet Sharma & Ors.

20.10.2023

Present: Sh. Omkar Singh Kushwaha, Ld. Counsel for
petitioners/Lrs of deceased.
None for driver and owner.
Sh. S.K. Tyagi, Ld. Counsel for insurance co.

An exemption on behalf of SHO, PS. Narela Industrial Area Inspector Rajesh Kumar, has been prayed on the ground of law and order problem in the local area.

Previous ordersheets have been perused. Submissions of Ld. Counsels have been heard.

IO present in the court has been examined. IO has submitted that final report u/s. 173 Cr. P.C has been filed after due completion of investigation against respondent no. 1/driver u/s. 279/304A IPC and 3/181 M.V. Act. On the aspect of alleged discrepancy, it is submitted that inadvertently copy of other case FIR was annexed.

A perusal of judicial record reveals that DAR has been filed after due compliance and copy of final report u/s. 173 Cr. P.C is annexed and trial is stated to be pending before the concerned Ld. MM. As regard the present claim, the earlier request on behalf of petitioners to amend the present claim petition u/s. 166 M.V. Act to u/s. 164 M.V. Act, has been withdrawn today. A new prayer again has been introduced on behalf of the petitioners by submitting that the petitioners do not wish to file any formal claim petition. It is prayed that DAR report which has been filed be treated as claim of the petitioners as no separate claim is desired to be filed.

In the aforesaid facts and circumstances, put up for consideration on issues on **04.03.2024**.

(Preeti Agrawal Gupta)
Judge MACT-2 (North)
Rohini Courts, Delhi/20.10.2023