

MACP No. 48/18

Raman Kumar Paswan Vs. DI4CAS-4493 & Ors.

27.02.2018

Present:- Sh. Yatinder Khatri, Adv for petitioner/injured.  
Driver-cum-owner in person.  
Proxy counsel for Sh. Nitish Kumar, adv for Sh. A.K. Singh, adv for insurance company.  
Inspector Rakesh Kumar, SHO, PS. Narela is present and has filed DAR. Same be merged with the claim petition as per rules.

Memo of appearance on behalf of insurance company filed.

Copy of DAR supplied to counsel for injured, driver-cum-owner and proxy counsel for insurance company against payment as per rule.

Copy of claim petition has also been supplied to driver-cum-owner as well as to proxy counsel for insurance company.

Written statement by driver-cum-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.

The claimant is directed to open a 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 the claimant 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 claimant to the effect that no cheque book and/or debit card shall be issued without the permission of the Court. The claimant 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 claimant 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.

SHO, PS. Narela has filed written reply to the show-cause notice issued to him for furnishing explanation for not filing the DAR in terms of previous order. Similar reply has also been filed under the signature of concerned IO.

It is pertinent to mention here that the accident had occurred on 26.12.2016 and FIR in the present case was registered on 27.12.2016. As per the report of Naib Court, time for filing DAR was extended upto 26.02.17. **Thus, there is delay of 12 months in filing the DAR.**

At this juncture, it would also relevant to refer to the directions contained in Standing Order Ops 19 dated 30.01.15 issued by Commissioner of Police on the point in issue, apart from the detailed directions issued by Hon'ble Delhi High Court in the case of "Rajesh Tyagi & Ors Vs Jaibir Singh & Ors." bearing FAO No. 842/2003, vide order dated 16.12.16.

Hence, directions are issued to the Commissioner of Police to personally look into the matter and hold an inquiry in respect of the unexplained delay in filing the DAR. Directions be further issued to Commissioner of Police to take action against the officials including the SHO and ACP(concerned) under whose supervision the DAR is to be filed and who were sleeping over the matter for more than two years. Compliance report be filed on next date.

Put up on 23.04.2018 for exploring the possibility of settlement / framing of issues.

(VIDYA PRAKASH)  
Judge MACT-2 (North)  
Rohini Courts, Delhi