

MACP No. 75/24

Pankaj & Ors. Vs. Pappu Kumar & Ors.

19.01.2024

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

Present: Ld. Counsel for Lrs of deceased with father of deceased.
Driver and owner in person with counsel Sh. Rahul
Kumar.
Sh. R.P. Mathur, Ld. counsel for insurance co.
IO SI Ravinder Kumar is also present.

Vakalatnamas on behalf of Lrs of deceased, driver,
owner and memo of appearance on behalf of insurance company filed.

Copy of DAR be supplied to Lrs of deceased, driver,
owner and to counsel for insurance company against payment as per
rule.

Written statement by driver and 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 Lrs of deceased on the next
date of hearing.

The claimant(s) namely **Pankaj, Hemlata and Neha** are
directed to open a saving bank account in a nationalized bank near the
place of their residence and the concerned bank is directed not to issue
any cheque book and/or debit card to the claimant(s) 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(s) to the effect
that no cheque book and/or debit card shall be issued without the
permission of the Court. The claimant(s) are 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(s)

are 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 claimants for compliance.

It is pertinent to mention here that the accident had occurred on 12.07.2023 and FIR in the present case was registered on 13.07.2023. As per report of Naib Court, no extension for filing of DAR was sought by the IO. **Thus, there is delay of about 3 months in filing the DAR.**

At this juncture, it would also be 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 concerned Dy. Commissioner of Police to personally look into the matter and get an inquiry conducted in respect of the unexplained delay of 3 months in filing the DAR. Directions be further issued to concerned Dy. Commissioner of Police to take action against the officials including the SHO and ACP(concerned) under whose supervision the DAR was to be filed. Compliance report be filed on or before next date.

Put up on **01.05.2024** for awaiting report from DCP/for exploring the possibility of settlement / framing of issues.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/19.01.2024