

MACP No.741/2022

Vipin & Ors. (L.Rs of Divya) V/s Vikas & Ors.

FIR No.491/2022

PS Narela Industrial Area

02.11.2022

Fresh DAR filed. It be checked and registered.

DAR is treated as claim petition u/s 166 (4) of MV Act.

Present: Shri Prabhat Kumar Singh, Ld. Counsel for the L.Rs of deceased/
petitioners.

Driver in person.

Owner absent.

IO/ASI Ravinder in person.

Copy of DAR supplied to learned counsel for the L.Rs of
deceased/petitioners and driver.

**Issue notice of the petition to the owner, to be executed through
IO, returnable for the next date of hearing.**

Let reply/written statement by driver be filed within 30 days after
supplying advance copy to the opposite parties through counsel against receipt.

Memo of parties be filed by the L.Rs of deceased/petitioners on the
next date of hearing.

The LR(s) of deceased Smt.Divya namely **(i) Shri Vipin, S/o Shri Sushil Kumar (husband of deceased) and (ii) Master Harshit, S/o Shri Vipin (son of deceased)** are 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 their residence and the concerned bank is directed not to issue any cheque book and/or debit card to the petitioner(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 petitioner(s) to the effect that no cheque book and/or debit card shall be

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issued without the permission of the Court. The petitioner(s)/LRs of deceased 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 petitioner(s)/LRs of deceased 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 claimant(s)/LRs of deceased for compliance.

At this stage, it is noted that **offending vehicle, i.e car (make Galaxy Toyota) bearing registration No.DL-4CNE-3509 is stated to be lying uninsured on the date and time of accident. Accordingly, it is hereby directed that IO of the case shall move an appropriate application before RTO concerned, *inter alia* seeking direction that till further orders from this Court, the said vehicle may not be allowed to be transferred in the name of some other person.**

A copy of this order be sent to IO/SHO, PS Narela Industrial Area for compliance aforesaid.

Put up on **20.02.2023** for exploring the possibility of settlement/written statement/framing of issues.

(Vinod Yadav)
Judge MACT-2 (North)
Rohini Courts, Delhi/02.11.2022