

MACP No.256/2023

Smt.Neema & Ors. (L.Rs of Sudarshan) V/s Rahul & Ors.

FIR No.651/2021

PS Narela Industrial Area

06.04.2023

**Fresh DAR filed. It be checked and registered.**

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

Present: L.Rs of deceased in person.

Driver and possessory owner in person.

None for the registered owner.

Ld. Proxy Counsel for the Insurance Company

IO/ASI Meer Singh in person.

Today the lawyers are abstaining from appearing in Courts.

Copy of DAR supplied to L.Rs of deceased/petitioners, driver and possessory owner as also to learned proxy counsel for the Insurance Company.

**Let registered owner of the offending vehicle be summoned through IO for the next date of hearing.**

Let written statement by driver, possessory 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 L.Rs of deceased/petitioners on the next date of hearing.

The LR(s) of deceased Late Shri Sudarshan namely **(i) Smt.Neema (wife of deceased); (ii) Ms.Minakshi (daughter of deceased); (iii) Ms.Nidhi (daughter of deceased); (iv) Ms.Nivanshi (daughter of deceased); (v) Shri Ishwar Lal (father of deceased); and (vi) Smt.Bharpai (mother 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

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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 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 FIR in the matter was registered on 17.10.2021, whereas DAR in the matter has been filed today. **There is delay of about one year and two months 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 **07.08.2023**.

**Since DAR in the matter has been filed today, therefore, the application filed U/s 158 (6) MV Act (registered as Misc.DJ No.218/2023) is disposed off accordingly. Same be tagged with the DAR petition.**

(Vinod Yadav)  
Judge MACT-2 (North)  
Rohini Courts, Delhi/06.04.2023