

23 M A C T 265/25
SHIV NATH SAHANI Vs. NASEEM
FIR NO. 936/24
PS BEGUMPUR

04.04.2025

Fresh DAR has been received through Facilitation Centre which has been filed by IO ASI Joginder Singh, PS Begumpur. It be checked and registered.

Present: Sh. Pankaj Rai, Ld. Counsel for petitioner through VC.
Sh. Akshay Aggawral, Ld. Counsel for petitioner.
R1 & R2 in person.
Sh. Dilip Kumar, Ld. Proxy Counsel for Ins. Company.
IO absent.

Memo of appearance filed on behalf of petitioner as well as on behalf of insurance company. It be taken on record.

Heard. Perused the record.

There is breach of condition of the insurance policy.

Driver was not holding any valid DL at the time of accident.

Injured/Petitioner submits that **no other claim petition has been filed anywhere in India regarding the accident in question except the present DAR.** The present DAR be treated as petition under Section 166(4) of M. V. Act, 1988 as amended upto date. Copy of the DAR supplied by IO to the petitioner as well as respondent no.2 today.

Respondent no.2 is directed to file the reply as per law along-with spare copy for the other party.

Petitioner Shiv Nath Sahani is directed to open a MACT claims SB Account in terms of order 07.12.2018 in case titled as Rajesh Tyagi & Ors. Vs. Jaibir Singh and Ors. FAO No. 842/03. Petitioner is further directed in terms of order dated

contd....2

07.12.2018 of Hon'ble Mr. Justice J. R. Midha in FAO No. 842/03 and as per clause 29 (now 26) of revised MCTAP to open the said bank account in a bank near his place of residence with directions to produce his original passbook on the next date of hearing with the directions to the Branch Manager not to issue any cheque book and debit card to the petitioner qua the said A/c and if already issued these be cancelled and the said bank shall also not permit any joint name to be added in the saving bank account or fixed deposit account of the petitioner. The endorsement to that effect should be made on the said bank passbook by the Branch Manager upon production of copy of this order by claimant before the Branch Manager.

Copy of PAN Card and Aadhar card be also filed by the petitioner, in terms of the direction of Hon'ble Court.

The Petitioner is directed to appear in person for recording his financial status in terms of clause 29 (now 26) of MCTAP.

Put up on 15.05.2025.

Copy of the order be given dasti

(Shivaji Anand)
DJ-1+ MCT, N/W, Rohini Courts,
04.04.2025