

16.03.2026

Fresh DAR has been filed today. Same be checked and registered.

Present: HC Manoj Nagar on behalf of IO/ASI Kirshan.
Ms. Kanta Chaudhary, Ld.counsel for petitioner along
with petitioner.
Driver in person.
AR of owner in person.

**This is a case of without insurance, without fitness and
without permit.**

Original medical bills has filed by claimant.

Vakalatnama filed on behalf of claimant.

Copy of DAR supplied to parties physically present today.

It is apprised by the parties that the offending vehicle was being used for collection, loading and unloading of garbage/dump, by the MCD. This fact also finds a mention in the DAR. Under Section 2(30) of the Motor Vehicles Act, owner would include a hirer of a vehicle as well as possession holder. Since, the offending vehicle was being used as garbage compactor by the MCD, MCD is also, prima facie, liable to compensate the victim. As such, MCD is hereby impleaded as respondent no.3. Title of the case be accordingly rectified and memo of parties be filed by the petitioner.

Notice be issued to MCD through IO/SHO, to file a reply to the DAR as well as to file a verification report as to how many such vehicles hired by them are running on the roads without necessary traffic compliances such as insurance, fitness and permit and as to what steps have been taken by the MCD to ensure that no vehicle in breach of law, is hired by them in future.

Since this is a case of accident involving a vehicle without insurance, without fitness and without permit resulting in grievous injury to the petitioner, in terms of Clause-20 of the Scheme for Motor Accident Claims formulated by Hon'ble Delhi High Court and Rule 6 of Delhi Motor

Accident claims Tribunal Rules,2008, respondent no.1, 2 and 3 are directed to show-cause as to why they should not be directed to furnish sufficient security (jointly & severally) to the tune of **Rs.2,00,000/-** by way of FDR for satisfying the award, if any, to be passed in this case against them.

Further, issue **notice** to concerned Ld.JMFC to take steps for auction the offending vehicle in question and to deposit the proceeds thereof in view of direction of Hon'ble High Court of Delhi in case of **Rajesh Tyagi & ors. vs. Jaibir Singh & ors.** (FAO No.842/2003) and in terms of Clause-20 of the Scheme for Motor Accident Claims formulated by Hon'ble Delhi High Court and Rule 6 of Delhi Motor Accident Claims Tribunal Rules, 2008.

In the eventuality respondents fail to show cause or furnish security, their defence shall be liable to be struck off.

List the matter for filing of reply to show-cause notice on **06.08.2026**.

A copy of this order be sent to Ld.JMFC concerned alongwith notice.

(Charu Gupta)

Ld.PO, MACT-01(South-East)
Saket Court/New Delhi/16.03.2026