

MACT: 1384/24

Kavita Devi & Ors. v. Dinesh Sharma & Ors.

26.09.2024

Fresh Petition received by way of assignment. It be checked and registered.

Present: Sh. Dilip Kumar and Ms. Saraswati, Ld. counsel for petitioner.

This is a fresh claim petition filed u/s 166/140 MV Act by LRs of deceased who suffered fatal injury in an accident which took place on 02.06.2024 near Drainage Pul, Distt-Saharsa, Bihar i.e. outside the territorial jurisdiction of this tribunal after amendment of 01.04.2022.

The offending vehicle was driven by R1, owned by R-2, and insured with R-3. Nodal officer is impleaded as R-4. Office of Insurance company is within the territorial jurisdiction of this Court.

Ld. Counsel for claimant is unaware as to the status of DAR and seeks some time to file certified copy of the charge sheet/criminal record filed in court of U.P.

As, in **Bajaj Allianz General Insurance Co. Pvt. Ltd. v. Union of India & Ors (order dated 16.03.2021 in W.P. (civil) 534/2020)**, Hon'ble Supreme Court has made applicable filing of DAR mandatory throughout India in all accident cases, **notice be issued to SHO/IO** concerned (through DCP South-East) to file a status report as to whether any final report/ charge sheet/ cancellation has been filed in the present case and also to clarify the status of DAR and to show cause, if no DAR has been filed.

Such notice be issued on filing of PF by the petitioner within one week. Dasti may also be given.

In the meantime, claimant is directed to **file certified copy of DAR**, if made available to him and **necessary steps be taken for transfer of the DAR** to the same jurisdiction where he/she intends to pursue the claim petition. **Claimant is directed to file certified copy of charge sheet by next**

date.

Since the accident has taken place at U.P., i.e. outside the territorial jurisdiction of this Tribunal, in order to ensure that no simultaneous claim proceedings are being pursued by the same claimant before the other Tribunal, let a **copy of this order be sent to concerned Learned MACT court as an intimation of pendency of a claim petition** by the claimant before this court.

Also notice be issued to all the respondents on filing of PF&RC, authorized courier, speed post for NDOH. Dasti Notice be also given.

Be put up on **15.04.2025** fixed for awaiting status report from SHO/IO concerned and compliance by petitioner/claimant.

Directions for claimant (s) to open bank accounts:

Claimant (s) are directed to open an MACT saving bank account in a nationalized bank near their place of residence. The concerned bank is directed to not issue any cheque book and debit card to the claimant (s) and if the same have already been issued, the bank is directed to cancel the same and make an endorsement to that effect that on the passbook of the claimant. Claimant (s) are directed to place on record two photographs and their attested specimen signatures from the bank, a copy of the bank pass book with such endorsement from bank, with their Aadhar Card (s) and PAN Card (s) on the next date of hearing. The claimant (s) shall also furnish complete postal address of the bank with their IFS Code and MICR number before the court on the next date of hearing. A copy of this order be given dasti to the claimant (s) for being shown to the bank for compliance.

Further, in view of Rule 32(2) of amended rule of 150A of MV (5th amendment) Rules effective from 01.04.2022 r/w Annexure XIII, **Procedure For Investigation of Motor Vehicle Accidents**, claimants are directed to place on record the following documents, if not already filed:

- (a) Aadhaar Card and PAN Card;
- (b) Details of the Aadhaar Linked Bank Account(s) of the Claimant(s) near the place of their residence along with the proper endorsement; and
- (c) Two sets of photographs and specimen signatures of the claimant(s).

(Charu Gupta)
PO-MACT -01 (South-East)
Saket Court/ New Delhi/26.09.2024