

MACP No. 499/23
Sonam & Ors. Vs. Rahul Sharma & Ors.
FIR No. 1192/22
PS. Mahendra Park

11.08.2023

Fresh DAR received from filing counter. It be checked and registered as per rules.

Present: Sh. Amresh Yadav, Ld. Counsel for Lrs of deceased.
Driver and owner in person.
Offending vehicle is uninsured.
IO SI Surender is also present.

The present DAR has been filed by the IO in contravention of the Section 166(3) M.V. Act as the same has not been filed within the stipulated period as provided in MCTAP.

It is pertinent to mention here that the accident had occurred on 13.10.2022 and FIR in the present case was registered on 14.10.2022. **Thus, there is delay of about 7 months in filing the DAR.**

At this juncture, it would also be relevant to refer to the directions contained in Standing Order Ops 19 dated 30.01.15 issued by Commissioner of Police on the point in issue, apart from the detailed directions issued by Hon'ble Delhi High Court in the case of **“Rajesh Tyagi & Ors Vs Jaibir Singh & Ors.”** bearing **FAO No. 842/2003**, vide order dated 16.12.16.

Hence, directions are issued to **Dy. Commissioner of Police, North-West District**, to personally look into the matter and get an inquiry conducted in respect of the unexplained delay in filing the DAR. Directions be further issued to concerned Dy. Commissioner of Police to take action against the officials including the SHO and ACP(concerned) under whose supervision

the DAR was to be filed and who were sleeping over the matter for about 7 months.

Vakalatnama on behalf of Lrs of deceased filed. Same is taken on record.

Copy of DAR be supplied to Lrs of deceased, driver and owner against payment as per rule.

Written statement by driver and owner be filed within 30 days after supplying advance copy to the opposite parties through counsel against receipt.

Memo of parties be filed by Lrs of deceased on the next date of hearing.

The claimant(s) namely **Sahodara Devi** and **Sonam** are directed to open a 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 claimant(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 claimant(s) to the effect that no cheque book and/or debit card shall be issued without the permission of the Court. The claimant(s) 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 claimant(s) 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 claimants for compliance.

Put up on **08.12.2023** for exploring possibility of settlement/admission-denial of documents, if any/ framing of issues.

(Preeti Agrawal Gupta)
Judge MACT-2 (North)
Rohini Courts, Delhi/11.08.2023