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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 331/2016 & CM Nos.13071-13073/2016 & 13077/2016
DISTRICT COLLECTOR (DISTRICT NORTH) & ANR

..... Petitioner

Through Mr. J M Kalia, Adv. for SDM

versus

NATIONAL INSURANCE CO LTD & ORS

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.04.2016

The present petition has been preferred against the orders dated 03.03.2016 and 31.03.2016 passed by the motor accident claims tribunal – 01, North (Rohini), Delhi in the course of execution proceedings in matter registered as No.43/2014. It appears that on account of inaction on the recovery certificate, the presiding officer of the tribunal was constrained to call for an explanation from the Collector/District Magistrate (North). Since the said explanation was not forthcoming, the tribunal proceeded ahead to issue duress process to secure his personal presence. It further appears that Sub-Divisional Magistrate, Narela did appear before the tribunal on 31.03.2016 and report was submitted but the tribunal had cause for concern since some “manipulation” in the process came to its notice. It is against this backdrop that fresh duress process has been issued against the petitioner for 18.04.2016.

The learned counsel for the petitioner assures and undertakes on

behalf of the petitioner that an explanation under the signatures of the petitioner on the matter under inquiry before the tribunal shall be submitted before the next date of hearing and the petitioner shall be duly represented through a counsel, accompanied by a responsible officer to be nominated by the petitioner, for further assistance to the tribunal on 18.04.2016.

Having regard to the above assurance and undertaking, the duress process issued by the tribunal against the petitioner is cancelled. It is made clear that the petitioner need not appear in person on 18.04.2016. Needless to add, the petitioner shall be duty bound to render all further assistance to the tribunal in the matter pending before it.

The petition is disposed of with these observations.

R.K.GAUBA, J

APRIL 08, 2016
VLD