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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3755/2024**
JAG PAL AND ORS

.....Petitioner
Through: Mr. D. K. Sharma, Mr. Pankaj Kumar
Deval, Mr. Vijay Pal Singh, Mr. Vijay
Sharma & Ms. Anjana Sirohi,
Advocates.

versus

MOHD BILAL & ANR.

.....Respondents
Through: Mr. Abhishek Pandey, Mr. Ved Vyas
Tripathi and Mr. Vaibhav Verma,
Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
29.10.2024

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1. A Petition under Article 227 of the Constitution of India has been filed for setting aside the Order dated 11.09.2024 in MACT/24/2023 titled '*Jag Pal & Ors. vs. Mohd. Bilal & Ors.*' and to direct the learned Tribunal to issue Notice to the respondents.
2. It is submitted that deceased Shiv Pyari, who had been travelling along with her husband and co-passengers, in vehicle No.UP-33AT-4760 (bus) died in an accident in the night of 14/15.10.2022. The FIR No.649/2022 P.S. Gajraula, Amroha, U.P got registered, however, no DAR till date has been filed before the concerned Tribunal. In the interim, the



present Claim Petition under Section 166 of M.V. Act has been filed. However, the learned Tribunal has refused to issue the summons on the ground that no DAR has been filed before the concerned Tribunal and unless the same is filed and transferred to this Tribunal, no summons can be issued in the Claim Petition under Section 166 M.V. Act.

3. Learned Counsel on behalf of the Insurance Company has appeared on advance Notice.

4. It is pertinent to observe that while DARs are being filed in the accident cases to facilitate disbursement of compensation in deserving cases where the claimants suffer injury or there is a death, but Section 166 M.V. Act is a Claim Petition which is specifically provided under Motor Vehicle Act, for claiming compensations.

5. In the present case, there is no bar for the claimants to file the Claim Petition under Section 166 M.V. Act before the Court. Learned counsel for the Insurance Company fairly concedes that the learned Tribunal at Delhi has jurisdiction to consider the Claim Petition. The only objection is that DAR has not been filed, however, it is also stated that generally as a practice, DARs are not been filed in the State of U.P.

6. The only concern of the Tribunal can be that the claimants may not claim Compensation in two proceedings. However, the requisite affidavits may be sought from the claimants and also the FIR/criminal records can also be produced by the Claimants or be summoned by the Court. Merely because a DAR has not been filed, cannot be a ground to not issue the summons in the Claim Petition.

7. The learned Tribunal is directed to proceed further with the adjudication of the Claim Petition, after issuing the summons to the



respondent in accordance with law.

8. The Appeal is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2024/va