

**HIGH COURT OF ANDHRA PRADESH:: AMARAVATI**

**ROC.NO.42/SO/2023**

**Date.08.02.2023**

**CIRCULAR NO. 1 /2023**

Sub: High Court of Andhra Pradesh – Letter dt.10.01.2023 from the Assistant Registrar, Supreme Court of India, forwarding copy of **Judgment dated 15.12.2022 passed in Civil Appeal No.9322 of 2022 (Gohar Mohammed Vs Uttar Pradesh State Road Transport Corporation & others)** by the Hon'ble Supreme Court of India – Certain instructions – Issued—Reg.

Ref: Letter dt.10.01.2023 from the Assistant Registrar, Supreme Court of India, along with the copy of Judgment dated 15.12.2022 passed in Civil Appeal No.9322 of 2022 by the Hon'ble Supreme Court of India .

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In compliance of the directions issued by the Hon'ble Supreme Court of India in its Judgment dated 15.12.2022 in Civil Appeal No.9322 of 2022, the following instructions are issued for strict compliance of the same and to sensitize the stakeholders while dealing with the cases filed under M.V.Act.

- i) On receiving the intimation regarding road accident by use of a motor vehicle at public place, the S.H.O. concerned shall take steps as per Section 159 of the Motor Vehicles Amendment Act.
- ii) After registering the First Information Report (FIR), Investigating Officer shall take recourse as specified in the M.V. Amendment Rules, 2022 and submit the F.A.R. (First Accident Report) within 48 hours to the Claims Tribunal. The I.A.R. (Interim Accident Report) and D.A.R. (Detailed Accident Report) shall be filed before the Claims Tribunal within the time limit subject to compliance of the provisions of the Rules.

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- iii) The registering officer is duty bound to verify the registration of the vehicle, driving licence, fitness of vehicle, permit and other ancillary issues and submit the report in coordination to the police officer before the Claims Tribunal.
- iv) The flow chart and all other documents, as specified in the Rules, shall either be in vernacular language or in English language, as the case may be and shall be supplied as per Rules. The Investigating Officer shall inform the victim(s)/legal representative(s), driver(s), owner(s), insurance companies and other stakeholders with respect to the action taken following the M.V. Amendment Rules and shall take steps to produce the witnesses on the date, so fixed by the Tribunal.
- v) For the purpose to carry out the direction No. (ii), all the Principal District Judges in the State shall issue necessary orders attaching the police stations to the Claim Tribunals, if not already issued to ensure the compliance of the Rules.
- vi) In view of the M.V. Amendment Act and Rules, the Investigating Officer is required to comply with the provisions of the Rules within the time limit, as prescribed therein.
- vii) On receiving F.A.R. from the police station, the Claims Tribunal shall register such F.A.R. as Miscellaneous Application. On filing the I.A.R. and D.A.R. by the Investigating Officer in connection with the said F.A.R., it shall be attached with the same Miscellaneous Application. The Claims Tribunal shall pass appropriate orders in the said application to carry out the purpose of Section 149 of the M.V. Amendment Act and the Rules, as discussed above.
- viii) The Claim Tribunals are directed to satisfy themselves with the offer of the Designated Officer of the insurance company with an intent to award just and reasonable compensation. After recording such satisfaction, the settlement be recorded under Section 149(2) of the M.V. Amendment Act, subject to consent by the claimant(s). If the claimant(s) is not ready to accept the same, the date be fixed for hearing and affording an opportunity to produce the documents and other evidence seeking enhancement, the petition be decided. In the said event, the said enquiry shall be limited only to the extent of the enhancement of compensation, shifting onus on the claimant(s).

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- ix) The General Insurance Council and all insurance companies are directed to issue appropriate directions to follow the mandate of Section 149 of the M.V. Amendment Act and the amended Rules. The appointment of the Nodal Officer prescribed in Rule 24 and the Designated Officer prescribed in Rule 23 shall be immediately notified and modified orders be also notified time to time to all the police stations/stakeholders.
- x) If the claimant(s) files an application under Section 164 or 166 of the M.V. Amendment Act, on receiving the information, the Miscellaneous Application registered under Section 149 shall be sent to the Claims Tribunal where the application under Section 164 or 166 is pending immediately by the Claims Tribunal.
- xi) In case the claimant(s) or legal representative(s) of the deceased have filed separate claim petition(s) in the territorial jurisdiction of different Claims Tribunals, in the said situation, the first claim petition filed by the claimant(s)/legal representative(s) shall be maintained by the said Claims Tribunal and the subsequent claim petition(s) shall stand transferred to the Claims Tribunal where the first claim petition was filed and pending. It is made clear here that the claimant(s) are not required to apply before this Court seeking transfer of other claim petition(s) though filed in the territorial jurisdiction of different High Courts. **The Principal District Judges in the State shall take appropriate steps in this regard.**
- xii) If the claimant(s) takes recourse under Section 164 or 166 of the M.V. Amendment Act, as the case may be, he/they are directed to join Nodal Officer/Designated Officer of the insurance company as respondents in the claim petition as proper party of the place of accident where the F.I.R. has been registered by the police station. Those officers may facilitate the Claims Tribunal specifying the recourse as taken under Section 149 of the M.V. Amendment Act.
- xiii) All the Principal District Judges and Secretaries of District Legal Services Authorities in the State of Andhra Pradesh are requested to sensitize all stakeholders as early as possible with respect to the provisions of Chapters XI and XII of the M.V. Amendment Act and the M.V. Amendment Rules, 2022 and to ensure the mandate of law.

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- xiv) For compliance of mandate of Rule 30 of the M.V. Amendment Rules, 2022, it is directed that on disputing the liability by the insurance company, the Claims Tribunal shall record the evidence through Local Commissioner and the fee and expenses of such Local Commissioner shall be borne by the insurance company.

All the Principal District Judges in the State are requested to take necessary steps in this regard, for strict compliance of the directions issued by the Hon'ble Supreme Court of India.

*G. Lakshmana Rao*  
08/02/2023.  
**REGISTRAR GENERAL**

To:

1. The Principal Private Secretary to the Hon'ble the Chief Justice (for information).
2. All the Registrars, High Court of Andhra Pradesh.
3. The Registrar (I.T. cum C.P.C.) with a request to direct the concerned to upload the said circular in the High Court's website.
4. All the Unit Heads in the State of Andhra Pradesh.
5. All the Secretaries of District Legal Services Authorities in the State of A.P.

**PRL.DISTRICT COURT, PRAKASAM DISTRICT, ONGOLE :: DT. 09-02-2023**

Communicated to Chairmen of all the Motor Accidents Claims Tribunals in the District for information and take necessary steps in this regard, for strict compliance of the directions issued by the Hon'ble Supreme Court of India, without any deviation, passed in Judgment in Civil Appeal No.9322 of 2022 dt.15.12.2022.

To

*[Signature]*  
I-ADDL DISTRICT & SESSIONS JUDGE, ONGOLE  
FAC: PRL DISTRICT & SESSIONS JUDGE, ONGOLE.

The I, II, III, VII & VIII-Addl. District Judges, Ongole.

The VI-Addl. District Judge, Markapur.

The Chairman, Permanent Lok Adalat, Ongole.

The Secretary, DLSA, Ongole.

Copy to The Central Nazir-Nazarth Section, PTR, & OP BC, Prl. District Court, Ongole.

the System Officer, e- Courts, Prl.District Court, Ongole with a request to upload the same in e-Courts official website and to e-mail all the District Judges.

Dis.No	731
DATE:	9-2-23