Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 1344/18913-933/Genl./MACT.Rept./HCS/2021 Dated, Delhi the 25 SEP 2021

Circulation of copy of Order dated 13/09/2021 passed by Hon'ble Mr. Justice Sanjeev Sachdeva in Case No. MACA No. 123/2021 titled as "The National Ins. Co. Ltd. Vs. Smt. Savita Devi and Ors. for information and immediate compliance/necessary action.

1. All the Ld. Principal District & Sessions Judges, Delhi, New Delhi (except Central District). N Dle
2. The Ld. Presiding Officers, Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi.
3. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
4. The Ld. Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. PS to Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.
7. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
8. For uploading the same on Centralized Website through LAYERS.

जिला एवं सत्र न्यायालय (दिल्ली परि.)
Office of District & Sessions Judge (HQ)
बाह्य डाक प्राप्ति सीट/Outside Receipt
डायरी सं/Diary. No. 4863
27 SEP 2021
रोहिणी न्यायालय, दिल्ली

24/09/21
(RAKESH PANDIT)
Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi.

OFFICE OF THE PR. DISTRICT & SESSIONS JUDGE, ROHINI COURTS

Genl.I/N-W & N/Rohini/2021/..10677-10684 Delhi, dated the ..29/9/21..

Copy forwarded for information and necessary action/compliance to :-

1. All the Ld. Presiding Officers, **Motor Accident Claims Tribunal**, North-West & North District, Rohini Courts, Delhi.
2. The Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts, Delhi.
3. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE.
4. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.

(RAKESH KUMAR-IV)
Additional Sessions Judge (NDPS)
Officer Incharge, General Branch,
Rohini Courts Complex, Delhi.

Copy of Order
18-01-2022

Most urgent

D- 6

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 14499-X

Dt. 22/9/21

From:-

The Registrar General,
Delhi High Court,
New Delhi.

To,

1. The Principal Distt. & Sessions Judge, (Headquarters), THC, Delhi
2. The Presiding Officer, MACT, Central, Tis Hazari Courts, Delhi
3. The Presiding Officer, MACT-02, Central, Tis Hazari Courts, Delhi
4. The Presiding Officer, MACT, West, Tis Hazari Courts, Delhi
5. The Presiding Officer, MACT-02, West, Tis Hazari Courts, Delhi
6. The Presiding Officer, MACT, Shahdara, KKD Courts, Delhi
7. The Presiding Officer, MACT, East Distt, KKD Courts, Delhi
8. The Presiding Officer, MACT, North-East, KKD Courts, Delhi
9. The Presiding Officer, MACT, North, Rohini Courts, Delhi
10. The Presiding Officer, MACT, North-West, Rohini Courts, Delhi
11. The Presiding Officer, MACT, South, Saket Courts, New Delhi
12. The Presiding Officer, MACT, South-East, Saket Courts, New Delhi
13. The Presiding Officer, MACT, (South-West) Dwarka Courts, New Delhi
14. The Presiding Officer, MACT, New Delhi Distt., Patiala House Court, New Delhi

OIC (General)
23/09/2021

.....2.....

Case No. **MACA No. 123/2021**

The National Ins. Co. Ltd. Appellants

Vs.

Smt. Savita Devi and Ors. Respondent

Appeal against the order dated **24-11-2020**

passed by **Sh. M. K. Nagpal, PO, MACT, Patiala House Courts, New Delhi**

in **MACP** No. **593/16**

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of the order dt. **13-09-2021** passed by Hon'ble Mr. Justice **Sanjeev Sachdeva** of this Court in the above noted case.

Please acknowledgement receipt.

Yours faithfully,

18.09.202

Admn. Officer (J) C-IV

For Registrar General

IN THE HIGH COURT OF DELHI AT NEW, DELHI
CIVIL APPELLATE JURISDICTION
MAC.APP NO. 123 OF 2021

4

MEMO OF PARTIES

IN THE MATTER OF:
National Insurance Company Limited
National Legal Vertical ,
2 E/ 9 Jhandewalan Extension
(II Floor) New Delhi-110055. ... Appellant/Insurer

Versus

1. Smt. Savita Devi
   W/o Late Sh. Ravindra Singh

2. Sh. Vikas Kundu
   S/o Late Sh. Ravindra Singh

3. Sh. Vinit Kundu
   S/o Late Sh. Ravindra Singh

4. Smt. Daryayi
   W/o Late Sh. Sukhbir Singh

   All R/o H. No. 149, Village & Post Office Hewa, Teh Baraut, District Baghpat, U.P. - 250617.

   (Petitioner No. 3 being minor through his mother/natural guardian Smt. Savita Devi, Petitioner No. 1)

5. Sh. Naushad .....(Driver)

S/o Sh. Jamil,
R/o H. No. 227, Village Kunda Kaian,
P.S. Gangho, Teh Nakur,
District Saharan Pur, U.P.

2nd Address :-
C/o Sh. Amit Tyagi
R/o Village Taj Pur, Teh Samalkha,
District Panipat,
Haryana – 132103.

6. Sh. Amit Tyagi .....(Insured)
S/o Sh. Om Prakash Tyagi,
R/o Village Taj Pur, Teh Samalkha,
District Panipat,
Haryana – 132103.

7. Sh. Sakir .....(Superdar)
S/o Sh. Yunus
R/o Village Jamwa, P.S. Sinholi,
District Panipat, Haryana. .....Respondents

DATE 25.02.2021
NEW DELHI

AMIT KUMAR SINGH
Advocate for the Appellant
310, Lawyer's Chambers
C.K. Daphtary Block
Supreme Court of India
Tilak Lane, New Delhi-110001
Mobile- 9958540003

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ MAC.APP. 123/2021

NATIONAL INSURANCE COMPANY LTD ..... Appellant
Through Mr. Amit Kumar Singh, Advocate.

versus

SMT SAVITA DEVI & ORS. ..... Respondent
Through Mr. Manish Maini, Advocate for R-1 to R-4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
13.09.2021

% **CM. APPL. 23581/2021**

1. Respondents No.1 to 4 seek a direction to the appellant/insurance company to deposit the deficit amount after deducting 10% TDS instead of 20% TDS.

2. It is pointed out by learned counsel for respondents that the appellant has deposited 20% amount with the income tax authorities without mentioning the Permanent Account Number (PAN) of the claimant because of which, they would not be in a position to get the credit/refund of the tax amount deposited.

3. Learned counsel further submits that the in Form V, reflected in the impugned order, the Permanent Account Number of the claimant has not been mentioned by the Tribunal.

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By:JUSTICE SANJEEV SACHDEVA
Signing Date:13.09.2021 19:55

4. Issue notice. Notice is accepted by learned counsel for the appellant. Learned counsel for the appellant submits the Permanent Account Number of the claimant was not available and as such the insurance company has deposited the entire amount with the Tribunal after deducting 20% towards the Tax Deducted at Source and deposited the said amount in the name of the claimant with the tax authorities.

5. Learned counsel submits that since the Permanent Account Number has now been made available, rectification of Form 16A shall be done with the tax authorities and a fresh Form 16A shall be provided to the claimant.

6. Let the needful be done within a period of four weeks and corrected Form 16A be provided to learned counsel appearing for respondents No.1 to 4.

7. It is noticed that particulars required to be filled in Form V, particularly items 21 and 22, refer to PAN card of the claimant.

8. A general direction is accordingly issued to all the Motor Accident Claims Tribunals to mention the PAN number, if available, in the form V of the Modified Claims Tribunal Agreed Procedure, in the final judgment

9. Registry is directed to circulate this order to all the Motor Accident Claim Tribunals for the purposes of compliance.

10. Application is disposed of in the above terms.

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By:JUSTICE SANJEEV
SACHDEVA
Signing Date:13.09.2021
19:55

MAC.APP. 123/2021

1. List on 18.01.2022.

2. Parties shall file their brief note of submissions.

SANJEEV SACHDEVA, J

SEPTEMBER 13, 2021/NA

Web Copy - Not Verified

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By:JUSTICE SANJEEV SACHDEVA
Signing Date:13.09.2021 19:55