OFFICE OF THE DISTRICT & SESSIONS JUDGE (SOUTH)
SAKET COURT COMPLEX : NEW DELHI

No. Judl. II/F.40/Order/South/Saket/2016/ 19505-19545 **Dated, Delhi the** 11/8/16

(i) As directed, copy of the order/record proceedings dated 13.05.2016 along with Annexure R-5 of Hon'ble Supreme Court of India is forwarded to all the Ld. Judicial Officers of the South District, Saket Court Complex, New Delhi for compliance.

(ii) Branch In-Charge, Computer Branch, South District for uploading the same on the Saket Court website.

Officer In-Charge (Judicial Branch-II)
South District, Saket Courts Complex,
New Delhi

3172-82

HIGH COURT OF DELHI : NEW DELHI

No._____DHC/Gaz/G-2/SCI-Judgment/2016

From :

The Registrar General,
Delhi High Court,
New Delhi.

To

1. The District & Sessions Judge(Headquarters), Tis Hazari Courts, Delhi.
2. The District & Sessions Judge, South District, Saket, New Delhi.
3. The District & Sessions Judge, North-West District, Rohini, Delhi
4. The District & Sessions Judge, South-West District, Dwarka, Delhi.
5. The District & Sessions Judge, East District, Karkardooma, Delhi.
6. The District & Sessions Judge, Shahdara District, Karkardooma, Delhi.
7. The District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
8. The District & Sessions Judge, South-East District, Saket, Rohini, Delhi.
9. The District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
10. The District & Sessions Judge, North District, Rohini, Delhi.
11. The District & Sessions Judge, North East District, Karkardooma, New Delhi.

New Delhi, dated the 3rd August, ~~July~~, 2016.

Sub : Order/record of proceedings dated 13.05.2016 of Supreme Court of India in the petition for Spl.Leave to Appeal (Civil) No.11801-11804/05 titled "Jai Prakash Vs. M/s. National Insurance Co.& Ors".

Sir/Madam,

I am directed to forward herewith a copy of order/record of proceedings dated 13.05.2016 passed by Hon'ble Supreme Court of India in petition for Spl. Leave to Appeal (Civil) Nos.11801-11804 titled "Jai Prakash Vs. M/s.National Insurance Co. & Ors." alongwith Annexure R-5 as received from the Assistant Registrar, Supreme Court of India, and to request you to kindly circulate the same amongst all the judicial officers under your control for compliance.

Yours faithfully,

(Dinesh Kr. Manchanda)
Assistant Registrar(Gazette)
for Registrar General

Encl : As above.

1504
03/08/16

Most Immediate

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 196964 /SLP
Dt. 04/06/2016

From The Registrar General,
High Court of Delhi,
New Delhi.

To.

The Assistant Registrar , **Registrar General Office , Delhi High Court**

Dated the New Delhi the **03rd June 16**

Petition for Spl. Leave to Appeal (Civil) No. 11801 – 11804 / 05

Jai Prakash Appellant/s
Vs.
M/s National Insurance Co. & Ors Respondent/s

Sir,

I am directed to forward herewith for information and compliance a copy of record of proceedings dated 13/05/16 and Annexure R-5 (Page No. 32 to 46) along with covering letter No 3407/05/IV B dated 18/05/2016 passed by the Supreme Court of India in the above noted case.

Please acknowledge the receipt .

Yours faithfully

Assistant Registrar (Civil – V)
for Registrar General

Urgent-
04.6.2016

985/RG
4/6/16
ITR (G-2)

4/6/16

G-2

4/6/16

G-2

All Communications should be addressed to the Registrar, Supreme Court by designation NOT by name
Pin Code:-
"110201"

D.NO. 3407/05/ IVB
Supreme Court of India
New Delhi.
Dated : 18.05.2016

FROM: The Deputy Registrar
Supreme Court of India

To:-

The Registrar General,
Delhi High Court,
Sher Shah Road, New Delhi-110503

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 11801-11804 OF 2005
(From the Judgment and Order dated 07/12/2004 of the High Court of Punjab and Haryana at Chandigarh in FAO No. 4845/2003 , 4846/2003 , 4847/2003 , 4848/2003)

Jai Prakash ...Petitioner(s)

Versus

M/s. National Insurance Co. & Ors. ...Respondent(s)

Sir,

I am directed to forward herewith for your information and necessary action a certified copy of Record of Proceedings dated 13/05/2016 of this Court in the matter above mentioned, along with Annexure R5 (Page No 32 to 46) as mentioned in the Record of Proceeding/Order.

Please acknowledge receipt.

Yours faithfully,

DEPUTY REGISTRAR

THE HIGH COURT OF DELHI
(Judicial Receipt Section)
02 JUN 2016
Diary No. 14767

coms/nk

Certified to be true copy
Assistant Registrar (Judl.)
Supreme Court of India

ITEM NO 39 COURT NO.6 SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

314961

Petition(s) for Special Leave to Appeal (C) Nos.11801-11804/2005

(Arising out of impugned final judgment and order dated 07/12/2004 in FAO No. 4845/2003 07/12/2004 in FAO No. 4846/2003 07/12/2004 in FAO No. 4847/2003 07/12/2004 in FAO No. 4848/2003 passed by the High Court of Punjab & Haryana at Chandigarh)

Petitioner(s)

JAI PRAKASH

VERSUS

Respondent(s)

M/S. NATIONAL INSURANCE CO. & ORS.
(For Final Disposal)

Date : 13/05/2016 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE S.A. BOBDE

Amicus Curiae
Mr. Gopal Subramanium Sr. Adv.
Mr. Talha Abdul Rahman,Adv.
Ms. Anusha Ramesh,Adv.

For Petitioner(s)
Mr. Manoj Swarup,Adv.
Ms. Lalita Kohli,Adv.
Mr. Abhishek Swarup,Adv.
For M/s Manoj Swarup & Co., AOR

For Respondent(s)
Mr. Ranjit Kumar, SG
Mr. Atul Nanda,Sr.Adv.
Ms. Rameeza Hakeem,Adv.
Mr. Priyadarshi Gopal,Adv.
For M/s. Law Associates

Mr. Gopal Singh, AOR
Mr. Rituraj Biswas,Adv.
Mr. Aditya Raina,Adv.

Mr. P. K. Manohar,AOR

Ms. Manjeet Chawla, AOR

Mr. S.L. Gupta,Adv.
Mr. Varinder Kumar Sharma,Adv.

Mr. Dinesh Kumar,Adv.
Ms. Shalu Sharma, AOR
Mr. M.S. Mangla,Adv.
Mr. P.K. Singh,Adv.
Mr. M.K. Thakur,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Ranjit Kumar, learned Solicitor General of India and Mr. Gopal Subramanium, learned Senior Counsel appearing as Amicus Curiae.

The learned counsel submitted that in respect of the legislative changes suggested in the judgment rendered in Jai Prakash v. National Insurance Company Limited and Others, reported in (2010) 2 SCC 607, there is a Bill already introduced for amendment to the Motor Vehicles Act and that it is currently pending before the Parliament for consideration. Barring that, one other aspect which required to be dealt with immediately by way of suggestion to the Insurance Councils is in paragraph 23, which reads as under:-

> "23. In cases of death, where the liability of the insurer is not disputed, the insurance companies should, without waiting for the decision of the Motor Accidents Claims Tribunal or a settlement before the Lok Adalat, endeavour to pay to the family (legal representatives) of the deceased, compensation as per the standard formula determined by the decisions of this Court."

Insofar as the said suggestion is concerned, learned Solicitor General drew our attention to the response filed before us on behalf of the General Insurance Council, in particular paragraph 4, which states that presently the procedure suggested in Paragraph 23 is being followed by the Insurance Companies in Delhi *by way of a Scheme called "Claims Tribunal Agreed Procedure"* which was formulated by the Delhi High Court in the judgment dated 16.12.2009 passed in FAO No.843 of 2003.in Rajesh Tyagi & Ors. v. Jaibir Singh

& Ors. It is also mentioned therein that Tribunal as well as the Legal Service Authority are taking effective steps to implement the said procedure, which is being carried out in the National Capital Territory of Delhi. In paragraph 5, it is further submitted that since this procedure has been successful in Delhi it can be extended on pan India basis. The agreed procedure has also been filed as Annexure R5 with the response filed on behalf of the General Insurance Council.

We have also perused the procedure, which has been placed before us as Annexure R5 with the response which, in our view, appears to be a comprehensive one and that we can issue further directions to the Registrar General of the Delhi High Court to ensure that procedure is strictly followed insofar as Delhi is concerned and also circulate the said procedure to all the other High Courts and the Registrar General of all the other High Courts are directed to ensure that the said procedure is implemented through the Motor Accidents Claims Tribunals in coordination with the Legal Service Authorities as well as the Director General of Police of the States concerned.

The Registry of the Supreme Court is directed to forward a copy of this order along with Annexure R5 (pages 32 to 46 in the response filed on behalf of the General Insurance Council) to all the High Courts including the Delhi High Court to ensure compliance of the present order.

On the remaining aspects, we will make further consideration after reopening on 12.07.2016.

17/5/16

(NARENDRA PRASAD)
COURT MASTER

17.5.16

(SHARDA KAPOOR)
COURT MASTER

ANNEXURE/5

32

THE CLAIMS TRIBUNAL AGREED PROCEDURE

CHAPTER 1-SCOPE AND DEFINITIONS

1. **Scope:** This procedure shall be applicable for all claims filed before the Claims Tribunals in the NCT of Delhi.

2. **Definitions.** - (1) In this procedure, unless the context otherwise requires,-

(a) "Act" means the Motor Vehicles Act,1988 (59 of 1988);
(b) "accident" means an accident involving use of motor vehicle at a public place;
(c) "Claims Tribunal" means a Motor Accidents Claims Tribunal constituted under section 165 of the Act;
(d) "Clause" shall refer to the Clauses of this Agreed procedure;
(e) "Form" means a form appended to The Delhi Motor Accident Claims Tribunal Rules, 2008;
(e) "insurance company" means the insurance company with which a motor vehicle involved in an accident was insured on the date of the accident;
(f) "investigating police officer" means the station house officer of a police station within whose jurisdiction an accident involving a motor vehicle occurs, and includes any police officer subordinate to him entrusted with the investigation of the case;
(g) "legal representative" shall have the same meaning assigned to it under clause (11) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908):
(h) "Rule" or "2008 Rules" shall bear reference to The Delhi Motor Accident Claims Tribunal Rules, 2008.

(2) All other words and expressions used herein but not defined and defined in Motor Vehicles Act, 1988 or The Delhi Motor Accident Claims Tribunal Rules, 2008, shall have the meanings respectively assigned to them in that Act, or the Rules as the case may be.

CHAPTER 2- RECEIPT OF INFORMATION, VERIFICATION AND THE DETAILED ACCIDENT REPORT

3. **Receipt of information of an accident and duties of the investigating police officer** - (1) The Investigating Police Officer may receive information from one or more source including but not limited to:

(a) The driver/owner of the vehicle involved in the accident, by way of a report as contemplated under Section 134 of the Act;
(b) The Claimant;
(c) A witness to the accident or any other informant or source of information;
(d) The hospital or medical facility where the Deceased or Injured may have been taken to for medical attention.

(2) On receipt of the above information, it shall be the duty of the investigating police officer, as expeditiously as possible to –

(a) Intimate the factum of the accident to the Claims Tribunal within whose territorial jurisdiction the accident has occurred, which shall be entered in a register for such purpose ;

(b) In terms of Rule 3(1)(a) have the scene of accident photographed from such angles as to clearly depict, the lay-out and width, etc. of the road(s) or place, as the case may be, the position of vehicle(s), or person(s), involved, and such other facts as may be relevant so as to preserve the evidence in this regard, inter-alia for purposes of proceedings before the Claims Tribunal;

(c) Gather full particulars, and seek the following documents from the parties as under:

(A) From the owner/driver, in terms of Section 133/134 and 158 of the Act and Rule 3 of the Rules:

i. The circumstances of the occurrence, including the circumstances if any for not taking reasonable steps to secure medical attention to the injured person in terms of Section 134(a) of the Act;
ii. the date, time and place of the accident;
iii. particulars of the persons injured or deceased in the accident;
iv. name and address of the driver and the owner, and the driving license of the driver and that of the conductor in the case of a stage carriage, passenger or goods vehicle;
v. the Insurance Policy or in the alternative a valid cover note provided that such cover note should not be more than sixty days old;
vi. the certificate of insurance;
vii. the certificate of registration;
viii. in the case of a transport vehicle, the fitness certificate referred to in Section 56 of the Act and the permit.

(B) From the Claimant(s), victims of an accident or their legal representatives, as the case may be:

(i) In case of death;

(a) Proof of age and a photo- ID of the deceased at the time of accident;
(b) Death certificate and post mortem report;
(c) Proof of income of the deceased at the time of the accident,
a. in the form of pay slip/salary certificate in the case of a government/semi-government employee,
b. certificate of the employer and bank statements of the last six months of the deceased reflecting payment of salary in the case of a private employee,
c. I.T. returns in the case of a self-employed person;
(d) Details of the dependents, i.e. their age, occupation and marital status and proof of dependency in the form of affidavits, address and other contact details;
(e) Details and copies of medical bills and expenses;
(f) A brief statement of the facts surrounding and quantum of compensation intended to be claimed;
(g) Details of the claims tribunal, where the Claimants have preferred an application under Section 163A or Section

166, if any, as on the date of such verification or investigation by the investigating police officer;

(ii) In case of an injury case

(a) Proof of age and a Photo- Insured, address and other contact details of the injured at the time of accident;

(b) Proof of income of the Injured at the time of the accident,

a. in the form of pay slip/salary certificate in the case of a government/semi-government employee,

b. certificate of the employer and bank statements of the last six months of the injured reflecting payment of salary in the case of a private employee,

c. I.T. returns in the case of a self-employed person;

(c) Disability certificate issued by a Government Hospital or a recognized private hospital;

(d) MLC/accident register extract of the hospital and MLR

(e) Details and copies of medical bills and expenses; in case of long term treatment the Investigating Police officer shall record the details of the same and the Claimant may furnish such bills before the Claims Tribunal;

(f) Proof of absence from work [where loss of income on account of injury is being claimed] i.e. certificate from the employer and extracts from the attendance register or log record or like records;

(g) A brief statement of the facts surrounding and quantum of compensation intended to be claimed;

(h) Details of the claims tribunal, where the Claimants have preferred an application under Section 163A or Section 166, if any, as on the date of such verification or investigation by the investigating police officer;

and thereupon the police investigating officer shall either to the above documents in possession against receipt, or retain the photocopies of the same, after attestation thereof by the person producing the same;

(3) The investigating police officer shall verify the genuineness of the documents mentioned in Clause 3(2) by obtaining confirmation in writing from the office or authority or person purporting to have issued the same or by such further investigation or verification as may be necessary for arriving at a conclusion of genuineness of the document or information in question, including but not limited to verifying the license of the driver and permit of the vehicle, where applicable, from the registering authority;

(4) The investigating police officer shall not release and shall impound the vehicle involved in the accident, when:

a. it is found that it is not covered by policy of insurance of third party risks, taken in the name of the registered owner, or

b. when the registered owner fails to furnish copy of such insurance

policy, or where the driver fails to furnish the driving license

and shall bring this to the notice of the Magistrate having jurisdiction over the area, where the accident occurred. He shall further report to the Magistrate, as to why the registered owner has not been prosecuted for offence punishable under section 196 of the Act, where such prosecution has not been preferred, despite existence of facts constituting such an offence.

(5) In all cases where no driving license has been furnished by the driver, or permit and insurance policy by the owner the investigating police officer shall take a statement in the form of an affidavit from the driver and or the owner, as the case may be as to the details of such driving license including the class and type of vehicle he is licensed to drive, permit and or Insurance Policy in case of the owner and the validity thereof as on the date of the accident. In such cases the investigating police officer shall proceed to investigate into the properties and assets of the owner of the vehicle and append the same to his report.

4 **Preparation and forwarding of the Detailed Accident Report (DAR):** (1) After completion of the above collection and verification of the documents and investigation as may be required the investigating police officer shall complete the preparation of a detailed accident report [hereinafter referred to as **DAR**] in Form "A" not later than thirty days from the date of the accident. In terms of Rule 3 (1)(c) such DAR shall be accompanied by requisite documents which shall include copy of the report under section 173 of the Code of Criminal Procedure, 1973(2 of 1974), medico legal certificate, post-mortem report (in case of death), first information report, photographs, site plan, mechanical inspection report, seizure memo, photocopies of documents mentioned in Clause 3(2) above, as also a report regarding confirmation of genuineness thereof, if received, or otherwise action taken.

(2) Immediately on completion of the above DAR, the investigating police officer shall forward a copy of the DAR, under its seal, duly receipted:

(i) To the Claims Tribunal, under a duly attested affidavit of the investigating police officer-
-where a claim has already been preferred by the Claimant to such Claims Tribunal or
- where no such claim has been preferred, then before the Claims Tribunal in whose territorial jurisdiction the accident has occurred.

(ii) To the Claimant (s) or victims of the accident or their legal representative(s), as the case may be at the address supplied by the Claimant to the investigating police officer, free of charge;

(iii) To the owner/driver at the addressed supplied by the owner /driver to the police investigating officer, at a cost of Rs. Five per page;

(iv) To the concerned branch office/ policy issuing office of the concerned Insurance Company at a cost of Rs. ten per page.

(3) The duties enumerated in Clause (3) and (4) above shall, as per Rule 3(2) of the 2008 Rules be construed as if they are included in Section 60 of the Delhi Police Act 1978 (34 of 1978) and any breach thereof shall entail consequences

envisaged in that law, as provided for under Rule 3(2).

(4) The Investigating Officer of the Police shall also furnish a copy of Detailed Accident Report along with complete documents to Secretary, Delhi Legal Services Authority, Central Office, Pre-Fab Building, Patiala House Courts, New Delhi. Delhi Legal Services Authority shall examine each case and assist the Claims Tribunal in determination of the just compensation payable to the claimants in accordance with law.

(5) Where the Investigating Officer is unable to complete the investigation of the case within 30 days for reasons beyond his control, such as cases of hit and run accidents, cases where the parties reside outside the jurisdiction of the Court cases, where the driving licence is issued outside the jurisdiction of the Court, or where the victim has suffered grievous injuries and is undergoing treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time whereupon the Claims Tribunal shall suitably extend the time in the facts of each case.

(6) The Investigating Officer shall produce the driver, owner, claimant and eye-witnesses before the Claims Tribunals along with the Detailed Accident Report. However, if the Police is unable to produce the owner, driver, clamant and eye-witnesses before the Claims Tribunal on the first date of hearing for the reasons beyond its control, the Claims Tribunal shall issue notice to them to be served through the Investigating Officer for a date for appearance not later than 30 days. The Investigating Officer shall give an advance notice to the concerned Insurance Company about the date of filing of the Detailed Accident Report before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

5. **Duties of the registering authority.**- It shall be the duty of the concerned registering authority to-

(a) submit a detailed report in Form "D" to the Claims Tribunal regarding a motor vehicle involved in an accident or licence of the driver thereof within fifteen days of the receipt of direction in Form "E";

(b) furnish within fifteen days, the requisite information in Form "D" on receiving the application in Form "F", by the person who wishes to make an application for compensation or who is involved in an accident arising out of use or his next of kin, or to the legal representative of the deceased or to the insurance company, as the case may be; Provided that information shall be given to the insurance company on payment of rupees ten only per page.

(c) assist the police in verification process set out in Procedure Clause 3 and 4 above and furnish to the investigating police officer a report in Form 'D' within 15 days of a request from the police investigating officer regarding verification or genuineness of any document regarding a motor vehicle involved in an accident or the license of the driver thereof.

(6) **Procedure on receipt of the detailed accident report:** (1) The Claims Tribunals shall examine whether the Detailed Accident Report is complete in all respects and shall pass appropriate order in this regard. If the Detailed Accident Report is not complete in any particular respect, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.

(2) The Claims Tribunals shall treat the Detailed Accident Report filed by the Investigating Officer as a claim petition under Section 166(4) of the Motor Vehicles Act. However, where the Police is unable to produce the claimants on the first date of hearing, the Claims Tribunal shall initially register the Detailed Accident Report as a miscellaneous application which shall be registered as a main claim petition after the appearance of the claimants.

(3) The Claims Tribunal shall grant 30 days time to the Insurance Company to examine the Detailed Accident Report and to take a decision as to the quantum of compensation payable to the claimants in accordance with law. The decision shall be taken by the Designated Officer of the Insurance Company in writing and it shall be a reasoned decision. The Designated Officer of the Insurance Company shall place the written reasoned decision before the Claims Tribunal within 30 days of the date of complete Detailed Accident Report.

(4) The compensation assessed by the Designated Officer of the Insurance Company in his written reasoned decision shall constitute a legal offer to the claimants and if the claimants accept the said offer, the Claims Tribunal shall pass a consent award and shall provide 30 days time to the Insurance Company to make the payment of the award amount. However, before passing the consent award, the Claims Tribunal shall ensure that the claimants are awarded just compensation in accordance with law. The Claims Tribunal shall also pass an order with respect to the shares of the claimants and the mode of disbursement.

(5) If the claimants are not in a position to immediately respond to the offer of the Insurance Company, the Claims Tribunals shall grant them time not later than 30 days to respond to the said offer.

(6) If the offer of the Insurance Company is not acceptable to the claimants or if the Insurance Company has any defence available to it under law, the Claims Tribunal shall proceed to conduct an inquiry under Sections 168 and 169 of the Motor Vehicles Act and shall pass an award within a period of 30 days thereafter.

(7) On receipt of the DAR, the Claims Tribunal shall examine the same and may call for such further information or material as considered necessary for proper and effective action in accordance with subsection (4) of section 166 of the Act.

(8) The Claims Tribunal after examination of the report, further information /material, if called for, and on satisfaction that the same has been forwarded to and received by all parties which would include the victim (s) of the accident or his/her legal representative,

as the case may be, driver owner and insurer of the vehicle (s) involved, shall register the claim case thereon. Where the Claims Tribunal finds that the D.A.R. and in particular the report under Section 173, The Criminal Procedure Code, 1974 annexed to such D.A.R. has brought a charge of rash and negligent driving, or the causing of hurt or grievous hurt the Claims Tribunal shall register the claim case under Section 166 of The Motor Vehicles Act,1988. In cases where the DAR does not bring a charge of negligence or despite the charge of negligence the Claimant(s) before the court chose to claim on a no-fault basis, the Claims Tribunal shall register a claim case under Section 163A, The Motor Vehicles Act,1988;

(9) On such registration of the case, the Claims Tribunal shall then, issue notice for appearance to all parties concerned, in Form "H" to appear before it

- Within 30 (thirty) days where the Claimant or more than one of the Claimants resides within the territorial jurisdiction of the Claims Tribunal;
- Within 60 (sixty) where all or more than one the Claimants resides outside the territorial jurisdiction of the Claims Tribunal;

(10) If the person(s) injured, or legal representative(s) of the person(s) deceased do not appear in response to the notice aforementioned in the manner indicated above, the Claims Tribunal shall adjourn the case for a period of not more than 15 days thereafter and on such further non appearance, may presume that the said parties were not interested in pursuing the claim for any compensation in such proceedings, and on such presumption it shall close the dismiss the claim for want of prosecution.

(11) Provided that in cases where the accident in question involves more than one vehicle and persons connected to all such vehicles stake a claim for compensation, the D.A.R. shall be treated as an application for compensation claim case shall be presumed to be a claim case preferred by each of them..

CHAPTER 4- CLAIMS INSTITUTED BY WAY OF AN APPLICATION BY THE CLAIMANT

7. **Applications for compensation.**- (1) Every application for payment of compensation shall be made in Form "G" and shall be accompanied by as many copies, as may be required, to the Claims Tribunal having jurisdiction to adjudicate upon it, in terms of Section 165 of the Act.

(2) In terms of Rule 8, there shall be appended to every such application:-

(a) an affidavit of the applicant(s) to the effect that the statement of facts contained in the application is true to the best of his/her knowledge/belief, as the case may be, details of previous claims preferred by the applicant(s) with regard to the same cause of action, or any other accident and if so, what was the result thereof;

(b) all the documents and affidavits for the proof thereof, and affidavits in support of all facts on which the applicant relies in context of his/her claim, entered in a properly prepared list of documents and affidavits:

Provided that the Claims Tribunal may not allow the applicant to rely in support of his/her claim, on any document or affidavit not filed with the

application, unless it is satisfied that for good or sufficient cause, he/she was prevented from filing such document or affidavit earlier;

(c) proof of identity of the applicant (s) to the satisfaction of the Claims Tribunal, unless exempted from doing so for reasons to be recorded in writing by it;
(d) passport size photograph(s) of the applicant(s) duly attested;
(e) reports obtained in Form "C" and Form "D" from investigating police officer, and registering authority; and if no such report(s) have been obtained, the reasons thereof;
(f) medical certificate of injuries, or the effect thereof, other than those included in Form "C".

(3) The Claims Tribunal may also require the applicant to furnish the following information to satisfy itself that spurious or a collusive claim has not been preferred:-

(a) full particulars of all earlier accidents in which the applicant or the person deceased, as the case may be, has been involved;
(b) nature of injuries suffered and treatment taken;
(c) the amount of compensation paid in such earlier accidents, name and particulars of the victim, and of the person who paid the damages; and
(d) Relationship of the applicant(s), if any, with the persons mentioned in clause (b), and the owner and the driver of the vehicle.

(4) Any application which is found defective on scrutiny may be returned by the Claims Tribunal for being re-submitted after removing the defects within a specified period not exceeding two weeks. Every application for compensation shall be registered separately in appropriate register prescribed as per rule 36.

8. **Examination of applicant.-** On receipt of an application under Rule8, the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

9. **Summary disposal of application.-** The Claims Tribunal may, after consideration of the application and statement, if any, of the applicant recorded under Rule 10, dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceeding therewith.

10. **Notice to parties involved-** If the application for claim is found admissible in terms of Clause 6(4) and Clause 9 above , the Claims Tribunal shall send to the opposite parties accompanied by a copy of the application along with all the documents and affidavits filed by applicant under Rule 8 together, with a notice in Form "I" of the date on which it will hear the application, and may call them upon to file on that date a written statement as per Rule 14 in answer to the application.

CHAPTER 5- DUTY OF THE INSURANCE COMPANY ON RECEIPT OF NOTICE

11. **Duties of the insurance company:** (1) Immediately upon receipt of intimation, the Insurance Company shall appoint a Designated Officer for each case. The Designated Officer shall be responsible for dealing/processing of that case and for taking decision for the amount of compensation payable in accordance with law after the Detailed Accident Report by the police;

(2) Without prejudice to its rights and contentions, where in the opinion of the Insurance Company, in a claim for death of a person, such a claim is payable it shall confirm the same to the Claims Tribunal within sixty days of receiving notice of the claim case from the Claims Tribunal, or on the first date of hearing of the application as contained in the notice issued by the Claims Tribunal, , whichever is later, by way of an offer of settlement of claim, with a supporting computation/calculation, under a duly attested affidavit of the Divisional Officer/ Officer appointed for such purpose.

(3) When on the date of hearing of such application and on receipt of such offer from the Insurance Company, the Claimant(s) agree to the offer of settlement of the Insurance Company, the Claims Tribunal shall record such settlement by way of a consent decree and payment shall be made by the Insurance Company within a maximum period of thirty days from the date of receipt of a copy of the consent decree which shall be made available to the parties by the Claims Tribunal within a maximum period of seven working days from the passing of such decree. .. Where the Claimants(s) refuses to accept the offer of settlement, the Claims Tribunal shall give the Insurance Company a period of 30 days to file its written statement and the matter shall proceed as if in terms of sub Clause (4) onwards below.

(4) Where on examination of the notice, application and other documents, the Insurance Company finds that it is a claim which must be contested it shall file before the Claims Tribunal no later than sixty days from the date of receipt of notice or on the date on which the hearing of the application is to take place, whichever is later, its written statement with reasoned grounds of defence, and where the defence taken by the Insurance Company is at variance with the D.A.R. then the reasons for such variance shall be given , along with affidavits of evidence and supporting documents duly indexed. The filing of such affidavits shall be without prejudice to the rights of examination in chief before the court and cross-examination of witnesses of the Claimant.

Provided that the Claims Tribunal may not allow the Insurance Company to rely in support of its defence, on any document or affidavit not filed with the written statement, unless it is satisfied that:

(i) for good or sufficient cause, the Insurance Company was prevented from filing such document or affidavit earlier; or

(ii) such additional documents or evidence pertains to an allegations of fraud, fake or fraudulent documents or collusion between the parties;

(5) If the opposite party contests the claim, the Claims Tribunal may, and if no written