

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

FAO 842/2003

Date of decision : 15<sup>th</sup> February, 2010

RAJESH TYAGI & ORS. .... Appellants

Through Mr. Atul Nanda, Ms. Rameeza Hakeem, Mr. Gaurav Gupta, Mr. Sumeer Sodhi, Ms. Malika Gahlot, Ms. Sugandha and Mr. Sanjay Bhardwaj, Advocates.

versus

JAIBIR SINGH & ORS. .... Respondents

Through Mr. Pankaj Seth, Advocate for Royal Sundaram Alliance Insurance Company and Universal Sampo General Insurance Co. Ms. Manjusha Wadhwa and Ms. Harsh Lata Advocates for OIC. Mr. K.L. Nandwani, Advocate for United India Insurance. Ms. Shantha Devi Raman, Advocate for Iffco Tokyo General Insurance. Mr. Sameer Nandwani, advocate for Reliance General with Mr. Ranjan. Mr. A.S. Chandhiok, ASG, with Mr. Vikas Pahwa, Additional Standing Counsel and

Mr. Pratap Singh Parmar, Advocate for Delhi Police. Mr. V.P. Choudhary, Sr. Advocate and Mr. A.J. Bhambhani, as amicus curiae.

Mr. Anjali Bansali, Advocate for Tata AIG General Insurance, Bharti AXA General Insurance, Raheja QEB General Insurance Co. Ltd. Mr. S.L. Gupta, Advocate for National Insurance.

Mr. Sunil Kapoor Advocate for HDFC Egro General Insurance Co. Ltd.

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

1. The Delhi Police has prepared a Manual for training of the Investigating Officers for investigation of the motor accident claims cases. Copy of the same has been furnished to the learned amicus curiae, Mr. A.J. Bhambhani as well as Mr. Arun Mohan, who are assisting the Court in this matter. Let the same be examined by the learned amicus curiae and their suggestions, if any, shall be considered on the next date of hearing. It is submitted by the learned Additional Solicitor General that the training is being imparted to all the Investigating Officers.

2. It is suggested by the learned amicus curiae that apart from the training, some cases may be investigated according to this manual and the Investigation Reports in those test cases be placed before this Court on the next date of hearing, so that the difficulty, if any, in the implementation of this manual, can be examined.

Delhi Police has no objection to this suggestion and they agree to use this Manual for implementation in some cases and the Reports in those cases shall be placed before this Court on the next date of hearing. The difficulty, if any, faced by the Investigating Officers in investigating the cases in accordance with this Manual be also placed before this court on the next date of hearing.

3. The Committee appointed by this Court is deliberating upon the cashless treatment in injury cases in terms of the order dated 15<sup>th</sup> January, 2010. It is reported that the Committee has fixed the meeting on 28<sup>th</sup> February, 2010 and the report shall be placed

before this Court on the next date of hearing.

4. List for examining the report of the Committee, the report of the learned amicus curiae and also the report of the police in the test cases on 17<sup>th</sup> March, 2010 at 2.30pm.

5. Vide order dated 16<sup>th</sup> December, 2009 (para 19), Union of India and Govt. of NCT, Delhi were directed to issue appropriate instructions to their respective hospitals to instruct them to issue MLC and Post Mortem Report within 15 days of the accident. Govt. of NCT, Delhi was also directed to issue directions to the registration authorities. Copy of the order dated 16<sup>th</sup> December, 2009 was sent to the Secretary - Health, Central Govt. as well as Principal Secretary - Transport and Health, Govt. of NCT of Delhi for issuance of the appropriate instructions.

6. Let the instructions issued by the Central Government and Govt. of NCT, Delhi in terms of order dated 16<sup>th</sup> December, 2009 be

placed before this Court on the next date of hearing. Copy of this order be sent to Union of India, through its Standing Counsel, Atul Nanda and Govt. of NCT of Delhi through its Standing Counsel, Mr. Nazmi Waziri. Copy of this order be sent to Principal Secretary - Law and Justice, Govt. of NCT of Delhi, along with copies of Order dated 16<sup>th</sup> December, 2009 and 21<sup>st</sup> December, 2009.

7. Vide order dated 15<sup>th</sup> January, 2010, all the Insurance Companies were directed to place on record the list of their Nodal Officers in terms of order dated 16<sup>th</sup> December, 2009. In compliance of the said Order, Bharti AXA General Insurance and Tata AIG General Insurance have appointed their Nodal Officers and their names have been placed on record by their Counsel, Ms. Anjali Bansal. Raheja QEB General Insurance Company has no operations in NCR and, therefore it has not appointed any Nodal Officer.

8. Let the names, addresses and telephone numbers of the

Nodal Officers of the remaining companies be placed on record on the next date of hearing. It is clarified that the Nodal Officers, in terms of the Order dated 16<sup>th</sup> December, 2009, shall be responsible for implementation of the Claims Tribunal Agreed Procedure which is due to commence on 2<sup>nd</sup> April, 2010 initially for a period of six months and each Insurance company has to depute one Nodal Officer for compliance.

9. Copy of this order be given dasti to Counsel for all the insurance companies, the learned amicus curiae and Delhi Police through Mr. Vikas Pahwa, Additional Standing Counsel for Delhi Police under signature of Court Master.

**J.R. MIDHA, J**

**FEBRUARY 15, 2010**