

Date 21-6-2023

Diary No. 869

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HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001.

No. HHC/VIG/STAT/Misc. Instructions/93-V- 16595
Dated Shimla, the 17th June, 2023.

From

The Registrar General.
High Court of Himachal Pradesh
Shimla-171001.

To

All the District/ Additional District & Sessions Judges,
posted in Civil and Sessions Divisions,
in Himachal Pradesh.

Subject: - Directions passed in Civil Appeal No. 9322/2022 titled
Gohar Mohammad versus Uttar Pradesh State Road
Transport Corporation & Ors; MA No. 825/2023 in Civil
Appeal No. 9322/2022; Instructions thereof.

Sir/ Madam,

The Hon'ble Supreme Court has issued certain directions
in Gohar Mohammed Vs Uttar Pradesh State Road Transport
Corporation, (2023) 4 SCC 381, to be followed by various authorities,
including MAC Tribunals, which are detailed in para no. 62 of the
judgment (supra), to carry out the purpose of Motor Vehicles Act and
the Rules made thereunder. The relevant directions of the Hon'ble
Supreme Court are being circulated, for strict compliance by all the
Courts/ Tribunals in letter and spirit, which are as follows: -

- (i) On receiving the intimation regarding road accident by use of
a motor vehicle at public place, the SHO concerned shall take
steps as per Section 159 of the M.V. Amendment Act.
- (ii) After registering the FIR, Investigating Officer shall take
recourse as specified in the M.V. Amendment Rules, 2022 and
submit the FAR within 48 hours to the Claims Tribunal. The
IAR and DAR shall be filed before the Claims Tribunal within
the time limit subject to compliance of the provisions of the
Rules.
- (iii) The registering officer is duty bound to verify the registration
of the vehicle, driving licence, fitness of vehicle, permit and

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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), distribution of police stations attaching them with the Claim Tribunals is required. Therefore, distribution memo attaching the police stations to the Claim Tribunals shall be issued by the Registrar General of the High Courts from time to time, if not already issued to ensure the compliance of the Rules.
- (vi) In view of the M.V. Amendment Act and Rules, as discussed hereinabove, the role of the Investigating Officer is very important. He is required to comply with the provisions of the Rules within the time limit, as prescribed therein. Therefore, for effective implementation of the M.V. Amendment Act and the Rules framed thereunder, the specified trained police personnel are required to be deputed to deal with the motor accident claim cases. Therefore, we direct that the Chief Secretary/Director General of Police in each and every State/Union Territory shall develop a specialized unit in every police station or at town level and post the trained police personnel to ensure the compliance of the provisions of the M.V. Amendment Act and the Rules, within a period of three months from the date of this order.
- (vii) On receiving FAR from the police station, the Claims Tribunal shall register such FAR as Miscellaneous Application. On filing the IAR and DAR by the Investigating Officer in

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