

RAJASTHAN HIGH COURT, JODHPUR

:: CIRCULAR ::

No. : 16/P.I./2016

Dated : 27/5/16

To : All the District & Sessions Judges.
(with the direction to circulate amongst all Motor Accident Claims Tribunals and Courts of the Judgship dealing with Motor Accident Claims Cases)

Sub. : Observance of Section 168 of Motor Vehicles Act, 1988 and Rule 10.19 of Rajasthan Motor Vehicle Rules, 1990 while recording evidence in Motor Accident Claims Cases.

No. GEN./XV/66/2016/ 3128

Dated: 27/5/16

To ensure speedy disposal of motor accident claims cases and adequate compensation to the victims or their families, Section 168 of Motor Vehicles Act, 1988 prescribes summary procedure to be followed in Motor Accident Claims (MAC) cases. Procedure for recording evidence is provided in Rule 10.19 of Rajasthan Motor Vehicles Rules, 1990 which reads as under :-

10.19. Method of Recording Evidence. - The Claims Tribunal shall, as the examination of witness proceeds, make a brief memorandum of substance of the evidence of each witness and such memorandum shall be written and signed by the members of Claims Tribunal and shall form part of the record.

Provided that, if the member or the Chairman of the Claims Tribunal is prevented from making such memorandum, he shall record the reasons of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

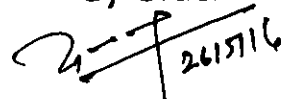
Provided further that the evidence of any medical witness shall be taken down as nearly as may be worded to word.

It has been observed that while recording evidence in MAC cases, most of the Motor Accident Claims Tribunals do not strictly adhere to these provisions and in place of making a brief memorandum of substance of evidence, record the statements in the manner as done in sessions or warrant

Cases. At length statements are recorded in narrative and cross examination is permitted with no limits. This not only violates the legal provisions but also delays the disposal of MAC cases besides causing hardship to the witnesses.

It is, therefore, enjoined upon all Motor Accident Claims Tribunals to strictly follow the procedure laid down in Section 168 Motor Vehicles Act, 1988 and Rule 10.19 of Rajasthan Motor Vehicles Rules, 1990 to ensure that evidence in such cases is recorded only in the manner provided therein. Deviation would be viewed seriously.

By Order



REGISTRAR (ADMN.)