

**RAJASTHAN HIGH COURT, JODHPUR**

NO. 21.PJ/2016

DATED: 31-08-201

Gm/XU/24/16/4922  
To,

**Circular**

Date: 11/9/16

All the Presiding Officers,  
Motor Accident Claim Tribunals,  
Rajasthan.

It is observed that the Motor Accident Claim Tribunals tend to conduct Motor Accident Claim Cases like regular Civil suits and they do not record evidence by following summary procedure as mentioned in Rule 10.19 of Rajasthan Motor Vehicle Rules, 1990, which is reproduced as under:-

**"Method of Recording Evidence:-** The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of a 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 reason 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 word to word."

The above practice of recording evidence in Motor Accident Claims Cases like regular civil suits has been deprecated by Hon'ble the Supreme Court in Jai Prakash Vs. National Insurance Company 2010(2) Supreme Court cases 607. The relevant portion of the said decision is reproduced below :-

**"Many Tribunals instead of holding an inquiry into the claim by following suitable summary procedure, as mandated by Sections 168 and 169 of the Act, tend to conduct motor accident cases like regular civil suits. This should be avoided."**

*[Signature]* 30/8/16

Therefore, it is enjoined upon all the Motor Accident Claim Tribunals to record the evidence as per procedure prescribed in the aforesaid Rule and to strictly follow the above mandate of the Hon'ble Supreme Court.

  
**REGISTRAR GENERAL**