

Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. ~~30063~~-30079 Genl./HCS/2023

Dated, Delhi the _____

07 NOV 2023

Sub: Directions issued by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 1110/2017 titled "Safiq Ahmad Vs. ICICI Lombard General Insurance Co.

A copy of the letter no. 7697-7707/DHC/Gaz./G-2/Judgment/2023 dated 04.11.2023 bearing this office diary no. 2733 dated 06.11.2023 received from Hon'ble High Court of Delhi, New Delhi on the subject cited **request to furnish the information in terms of the letter dated 04.11.2023 positively by 10.11.2023** to this office for onward transmission to the Hon'ble High Court of Delhi, Delhi as directed. This is for information and immediate compliance to :-

1. The Ld. Presiding Officers, Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
4. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
6. For uploading the same on Centralized Website through LAYERS.

Barkha Gupta
2/11/23

(BARKHA GUPTA)

Officer-in Charge, Genl. Branch, (C)
District Judge, (Comm. Court)
Tis Hazari Courts, Delhi

M.P.S
07/11/23

Encls. As above

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IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 7697-7707 /DHC/Gaz/G-2/Judgment/2023

Dated: 4th November, 2023.

From: 7697-7707

The Registrar General,
High Court of Delhi,
New Delhi-110003.



To,

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

Sub: Directions issued by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 1110/2017 titled "Safiq Ahmad v. ICICI Lombard General Insurance Co. Ltd. & Ors."

Sir/ Madam,

I am directed to request you to seek information from the MACTs as to whether any doubtful/fake cases of Motor Accident Claims, which prima facie may require investigation, have been ascertained by them till date, in terms of order dated 05.01.2017 and subsequent orders of the Hon'ble Supreme Court of India in afore-said matter and if yes, then a consolidated list of such cases along with the details of the action taken therein (including the details of criminal proceedings, if any, initiated in the matter), be forwarded to this Court at an early date.

I am further directed to request you to ask the concerned MACTs to take action in accordance with law wherever such Motor Accident Claims cases are found to be doubtful/ fake.

Genl. Secy.

Pr. D. S. J. (K. D.)
06/11/23

Yours faithfully,

(Surender Pal)
Deputy Registrar (Gazette-IB)
For Registrar General.

Encl.: As above.

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ITEM NO.21

COURT NO.10

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C).....CC No.23628/2016

(Arising out of impugned final judgment and order dated 07/10/2015 in CR No. 49/2015 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SAFIQ AHMAD

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. AND ORS. Respondent(s)

I.A. 1/2016(with permission to file SLP and office report)

Date : 05/01/2017 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr V. Giri, Sr. Adv.
Mr. Anjani Kumar Mishra, Adv.
Mr. Shiv Ram Pandey, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file the special leave petition is granted.

Delay condoned.

Having heard learned counsel for the petitioner and having perused the record of the case, we find no merit in the claim raised by the petitioner. No case is made out to interfere in the order.

However, having taken note of the facts which have been reflected in the impugned order, the situation is very alarming, and therefore, it is imperative for us to find out whether the same scenario is prevailing in other Districts and other States also.

Signature Not Verified
Digitally signed by RASHI DIXIT
Date: 2016.01.10 16:50:21 (IST)
Reason:

Hence, we propose to take up the matter for the aforesaid purpose, so as to see what guidelines can be issued in regard to prevent filing of such false and fabricated cases.

The facts, which are projected in the impugned order, indicates that 64 fake claim cases were pending in Districts Meerut, Ghaziabad, Lucknow, Muzaffar Nagar, Gorakhpur, Moradabad, Etawah, Allahabad, Raibareli, Sonbhadra, Mirzapur, Kanpur, Mainpuri, Farukhabad, Aligarh, Firozabad and Etah. The chart which was placed before the High Court shows that 29 fake claim cases have been decided in which compensation of Rs.1,23,77,540/- has been paid and claims for over rupees Six crores amount are still pending. It is further mentioned in the impugned order that 30 fraudulent claims were filed under Workmen Compensation Act in District Saharanpur but when Deputy Labour Commissioner who was posted in Saharanpur was transferred to District Moradabad, all those cases were got dismissed and re-instituted at Moradabad where the same Deputy Labour Commissioner has been transferred.

Workmen Compensation Commissioner made a complaint to Bar Council of Uttar Pradesh, and an application has also been moved by the Insurance Company for taking action against advocates. Several other instances have been mentioned in the impugned order. Keeping in view the seriousness of the kind of fraud, the High Court has rightly constituted a Special Investigation Team headed by A.D.G. (Special Enquiries).

(A)

The situation is really alarming. Similar scenario cannot be ruled out elsewhere in other States/Union Territories also, which is required to be looked out.

Thus we propose to issue notice to all the States/Union Territories and insurance companies as to what steps can be taken to rule out the filing of fake cases and what remedial measures can be taken. The notice be also issued to the High Courts through Registrars so as to ascertain from MACTs such doubtful cases which prima facie may require investigation and to prevent filing of such fabricated cases.

It is also considered necessary to issue notice to the Bar Council of Uttar Pradesh and to the Bar Council of India, through their Secretaries to find out what action has been taken or proposed against the named advocates, who have indulged in such unethical practice.

Let notice issue to all the States/Union Territories, Registrar General of High Court including Bar Council of India and Bar Council of Uttar Pradesh within a period of 15 days, returnable in six weeks. Let the responses be filed within a period of six weeks.

Notice also be issued to the Union of India through the Central Law Agency so as to enable the Union of India to assist the Court in the matter. Let notice be issued by Registry.

List after six weeks.

(RASHMI DHYANI)
SR.P.A.

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER