

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.484/2008**

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Date of decision: 26th November, 2009

MUSLIM & ORS. Appellants
Through : Mr. Asit Kumar Roy, Adv.

versus

DEEPAK GUTPA Respondent
Through : Mr. Rahul Sharma, Adv.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | NO |
| 2. | To be referred to the Reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

JUDGMENT (Oral)

1. The appellants have challenged the award of the learned Tribunal whereby their claim petition was dismissed.

2. The accident dated 9th September, 1996 resulted in the death of Ram Gyano. The deceased was survived by her husband and four children who filed the claim petition before the learned Tribunal.

3. According to the complaint filed by the appellants, the accident was caused by car bearing No.DL-5CA-6122 by the respondents. The respondents denied the accident. The appellants examined the eye-witness Shabir Khan as PW-2 who deposed that the accident was caused by car bearing No.DL-5CA-

6122. However, in the cross-examination, PW-2 admitted that he is not the eye-witness of the accident and the car number was noted down by his customer whose name he does not know.

4. The learned Tribunal has dismissed the claim petition on various grounds which are not being gone into in view of the fact that there is no cogent evidence of the accident in question having been caused by the car bearing No.DL-5CA-6122. Even if other things are proved, as best it is be a case of hit and run accident and not under Section 168 of the Motor Vehicles Act.

5. There is no merit in the appeal which is dismissed.

J.R. MIDHA, J

NOVEMBER 26, 2009

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