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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.387/2006

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Date of decision: 18th November, 2009

NATIONAL INSURANCE CO LTD Appellant
Through : Ms. Nanita Sharma, Adv.

versus

NIRMALA DEVI & ORS Respondents
Through : Mr. Padam Choudhary, Adv.
for R-1 to 6.

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 appellant has challenged the award of the learned Tribunal whereby compensation of Rs.6,53,000/- has been awarded to claimants/respondents No.1 to 6.

2. The accident dated 12th January, 2001 resulted in the death of Pramod Chaudhary. The deceased was survived by his widow, daughter, two sons and parents who filed the claim petition before the learned Tribunal.

3. The only ground urged by the appellant at the time of hearing of this appeal is that the driver of the offending vehicle was not holding any driving licence at the time of the accident.

4. The learned counsel for claimants/respondents No.1 to 6 submits that the driver was holding the driving licence at the time of the accident which was seized by the police and was part of the record of the learned Metropolitan Magistrate where the criminal case was taken up. The learned counsel has placed on record the copy of the driving licence obtained from the record of the learned Metropolitan Magistrate. The driver was holding a driving licence No.C03121998110026 for the period 4th December, 1998 to 3rd December, 2001 for HTV.

5. In view of the driving licence placed on record by claimants/respondents No.1 to 6, the plea of learned counsel for the appellant does not hold good.

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

7. The statutory amount of Rs.25,000/- deposited by the appellant along with this appeal be returned back to the appellant through counsel within four weeks.

8. Copy of this order be given 'Dasti' to learned counsel for the parties under the signature of Court Master.

J.R. MIDHA, J

NOVEMBER 18, 2009

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