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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.403/2009

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Date of decision: 4th September, 2009

ANEESH ISSAR & ANR. Appellants
Through : Mr. K.K. Rohatgi, Adv.

versus

ANITA & ORS. Respondents
Through : None.

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

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

CM No.11783/2009 (Exemption)

1. Allowed, subject to just exceptions.
2. CM stands disposed of.

MAC.APP. 403/2009 and CM Nos.11781-82/2009

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.9,50,000/- has been awarded to the claimants/respondents No.1 to 6.
2. The accident dated 27th July, 2006 resulted in the death of Devinder Kumar Garg. The deceased was survived by his widow, two daughters, one son and parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 49 years at the time of the accident and was carrying on his business earning Rs.99,020/- per month. The offending vehicle was owned by appellant No.2 and was driven by appellant No.1 at the time of the accident. The offending vehicle was insured with respondent No.7.

4. On 21st August, 2007, the case was taken up for conciliation by the learned Tribunal when respondent No.7 offered a sum of Rs.9,50,000/- in full and final settlement which was accepted by the claimants. The learned Tribunal recorded the statement of the claimants and respondent No.7 and passed the award for Rs.9,50,000/- in favour of the claimants/respondents No.1 to 6, in pursuance to which the respondent No.7 deposited the award amount which was released to the claimants on 1st November, 2007.

5. There is a delay of 609 days in filing of this appeal. There is no justifiable reason for non-appearance of the appellants before the learned Tribunal on 20th and 21st August, 2007. Admittedly, the appellant was being prosecuted by the police for causing the accident by rash and negligent driving. It is also admitted that the appellant has also not challenged the order of the prosecution against him as well as the order framing the charge.

6. No case for condonation of delay is made out.

7. Even on merits no case is made out.

8. The appeal is, therefore, dismissed as barred by limitation as well as on merits.

J.R. MIDHA, J.

SEPTEMBER 04, 2009/mk

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