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* IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No.645/2010

Date of Decision: September 27, 2010

ORIENTAL INSURANCE COMPANY LTD Appellant
through Ms. Manjusha Wadhwa, Advocate

versus

▽ SATENDER KUMAR & ORS Respondents
through None

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the 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'?

REKHA SHARMA, J. (ORAL)

This appeal has been preferred by the appellant against the order of the Motor Accident Claims Tribunal dated July 20, 2010 awarding interim compensation of ₹ 50,000/- along with interest thereon @ 7.5% per annum to the claimants who are the husband and two minor children of Smt. Rachna who died in a road accident.

As per the learned counsel for the Insurance Company, the cover note which was placed on the record of the Claims Tribunal is a false and forged document for the reason that the insurance policy which was placed on the record by the Insurance Company indicates that the

cover note was dated October 28, 2008 and not October 21, 2008. The Claims Tribunal has held that unless the document relied upon by the claimants is proved to be forged and fabricated, it has to be presumed to be correct and hence, relying upon the same has awarded interim compensation to the claimants.

Having heard learned counsel for the appellant, I find no infirmity in the order of the Tribunal, though I do feel that since the Insurance Company is disputing the genuineness of the cover note relied upon by the claimants, the Claims Tribunal which has already framed issues, ought to have also framed an issue with regard to the genuineness of the cover note. In this view of the matter, I direct the Claims Tribunal to frame an additional issue with regard to the genuineness or otherwise of the cover note/insurance policy.

With the aforesaid direction, the appeal is disposed of.

Dasti.

SEPTEMBER 27, 2010
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REKHA SHARMA, J