

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 25th February, 2016

+ **CM (M) 187/2016**

KAHKASHAN NAQVI & ANR.

....Petitioners

Through: Mr. Kirti Uppal, Sr. Advs. With Ms.
Nandita Rao & Ms. Sahiba, Advs.

Versus

DEV ANAND & ANR.

.... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The petitioners are aggrieved with the order dated 27.01.2016 of the motor accident claims tribunal (the tribunal) in claim case registered as Suit No. 325/13 only to the extent of observations recorded as “chances of collusion of parties cannot be ruled out at the very outset”. The said observation was made by the tribunal in (para 4 of) the impugned order whereby the application under Order 16 Rule 1 of the Code of Civil Procedure, 1908 of the insurance company (the second respondent herein) which is contesting the claim for compensation arising out of the detailed accident report (DAR) submitted by the local police in the wake of first information report No. 325/2013 of police station Hauz Khas was allowed and witnesses sought to be examined by the said insurer were ordered to be summoned.

2. Having heard the learned counsel for the appellants, this Court is of the view that a detailed hearing on the petition at hand is not required nor notice need be issued to the respondents inasmuch as the observations with which the petitioners are aggrieved seem to be surplus and unnecessary. The tribunal is yet to take a decision on the claim for compensation made by the petitioners, *inter alia*, on the basis of facts presented before it through DAR of the local police. The tribunal is well within its jurisdiction to hold a proper inquiry and reach appropriate conclusions on facts but it cannot proceed to hold such inquiry with some pre-conceived notion. Therefore, while the application of the insurance company was rightly allowed, it was wholly improper for such observations as quoted above to be recorded. The observations to above effect stand expunged.

3. The petition is disposed of in above terms.

**R.K. GAUBA
(JUDGE)**

FEBRUARY 25, 2016

nk