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

Date of Decision: 02nd February, 2016

+ **MAC.APP. 412/2014 & CM APPL. Nos. 7796/2014 (stay) & 7797/2014 (delay)**

SHRI RAM @ HARIKISHAN & ANR Appellants

Through: Mr. Bharat Kapoor, Adv.

versus

SH. ANIL SHARMA Respondent

Through: Mr. Vishal Vimal & Mr. J. Choudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. In the appeal directed against the judgment dated 10.07.2013 of motor accident claims tribunal ("the tribunal"), registered as MACT petition no.674/2009, awarding compensation in the sum of Rs.3,50,000/- with interest @ 7.5% per annum from the date of filing of the petition (15.09.2009) till realization with direction to the appellants to pay the said amount to the claimant (first respondent), the only ground pressed is that the compensation awarded on account of medical expenses is Rs.17,000/- more than what was proved through the medical bills. It may be added here that the accident had occurred statedly due to rash/negligent driving of a three wheeler scooter bearing registration no.DL-1RC-7268 ("the TSR") by the first appellant, it being admittedly owned by the second appellant. Though insurance company was also

impleaded in the claim petition, it was found that the document submitted in the nature of cover note was forged and fabricated.

2. On being called upon to do the said exercise, the learned counsel for the appellants and the respondents (claimants) have together checked the trial court record and jointly submitted that the calculation of the medical expenses on the basis of documents adduced was wrongly done by the tribunal, in that the medical bills show the expenditure only to Rs.2,08,000/- as against ₹2,25,000/- awarded. The learned counsel for the respondent fairly submitted that amount may be reduced by ₹17,000/-. The request is granted. The compensation awarded by the tribunal is reduced to ₹3,33,000/- with interest as levied in the impugned judgment.

3. Given the fact that the appellants have not paid a single penny to the respondent till date and also tried to take the tribunal for a ride by placing reliance on forged cover notes, it is directed that the statutory amount of ₹25,000/- deposited for this appeal to be entertained shall be treated as costs and paid to the respondent.

4. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

FEBRUARY 02, 2016/ssc