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

Date of Decision: 1st April, 2016

+ **MAC.APP. 433/2007**

BIJENDER SINGH

..... Appellant

Through: None.

versus

DEVENDER SINGH & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The appellant had filed an accident claim case (Suit No. 86/2006) on 28.08.2000 before the motor accident claims tribunal (tribunal) *inter alia*, stating that on 20.09.1999, the accident had occurred involving bus bearing No. DL 1PA 0336(offending vehicle) plying on route No. 835 wherein he had suffered injuries. As per his averments, the said bus was driven at the relevant point of time by Vijender Singh, son of Braham Dutt who was impleaded as second respondent in the claim petition in addition to Devender Singh (the second respondent herein), he allegedly being the registered owner of the said vehicle. By judgment dated 04.04.2007, the tribunal awarded compensation in the sum of ₹ 57,500/- with interest in favour of the appellant, holding both the respondents to be jointly and severally liable.

2. By appeal at hand, the claimant sought enhancement of the compensation.

3. The appeal was admitted by order dated 23.07.2007 and has remained pending ever since. The appellant seems to have lost interest in that on the dates the matter was taken up no one would appear on his behalf.
4. On perusal of the tribunal's record, it is noted that Vijender Singh, son of Braham Dutt, the person described as the driver of the offending vehicle was reported to have died on 11.5.2004. This report was taken note of by the tribunal in the proceedings recorded on 05.07.2005. The proceedings against the said respondent, thus, stood abated. This escaped notice of the tribunal when it passed the impugned judgment on 04.04.2007 holding both the persons shown in the array of respondents to be jointly and severally liable to pay compensation.
5. On perusal of the record of the tribunal, it is further noted that there is no evidence adduced in support of the contention that the respondent is the registered owner of the offending vehicle. It is, therefore, not explained as to how he could have been held liable.
6. For the above-noted deficiency in the evidence, no relief on the appeal deserves to be granted. It is dismissed.

R.K. GAUBA
(JUDGE)

APRIL 01, 2016

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