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

+ MAC.APP. 440/2014

THE NEW INDIA ASSURANCE CO. LTD Appellant

Through: Ms.Archana Gaur, Adv.

versus

SMT. SUNAINA DEVI & ORS Respondents

Through: Ms. Sona Babbar, Adv. for
Mr.Peeyoosh Kalra, ASC for GNCTD
ASI Suresh Chand, P.S. Sarita Vihar

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **06.12.2016**

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.65,000/- has been awarded to respondent no.1.
2. The accident dated 28th September, 2011 resulted in injuries to respondent no.1 who filed the claim petition before the Claims Tribunal.
3. The appellant has challenged the award on the ground that the police has not properly investigated the matter. It is submitted that the offending vehicle was owned by respondent no.1 who initially told respondent no.1 that the vehicle was driven by one Pradeep Kumar whereupon police directed him to produce Pradeep Kumar but he did not produce Pradeep Kumar and instead took a contrary stand that he was himself driving the offending vehicle which was accepted by the police.
4. ASI Suresh Chand, Investigating Officer of FIR No.233/2012, P.S. Sarita Vihar is present in Court and he submits that upon investigation, it was found that respondent no.2 had taken a false stand in the beginning that one Pradeep Kumar was driven the offending vehicle. It is submitted that upon investigation it was found that respondent no.2 was himself driving the

offending vehicle which was confirmed by the TIP. In that view of the matter, the chargesheet was filed against respondent no.2 as the owner and driver of the offending vehicle. The Investigating Officer has been produced the original record which has been perused.

5. There is not merit in the appeal which is dismissed.

J.R. MIDHA, J.

DECEMBER 06, 2016

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