

\$~22

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

+ **MAC.APP. 557/2016**

MATHEW A PATTIYANI

..... Appellant

Through: Mr. Arun Francis, Mrs. Manju A
Pittiyani & Mr. Prasanth Kulambil,
Advocates

versus

**NAND KISHORE & ORS. (TATA AIG GENERAL
INSURANCE COMPANY LTD.)**

..... Respondents

Through: Nemo.

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER
ORAL**

MAC.APP. 557/2016 & C.M.No. 26460/2016 (for stay)

Impugned Award of 12th April, 2016 determines the compensation to which appellant is entitled to but holds that the negligence was of petitioner as he had hit the left side of the Innova car. There is a damaging admission in the cross-examination of appellant, which is as under:-

“It is correct that it was my motorcycle which hit the offending vehicle.”

Taking note of this afore-noted damaging admission, appellant's claim petition has been dismissed. In the appeal filed, this damaging admission has not been explained.

Learned counsel for appellant submits that FIR case is still pending and due to lapse on his part, the afore-noted admission of appellant has not been explained in the appeal and seeks permission of this Court to withdraw the appeal with liberty to file fresh appeal within a period of four weeks.

This appeal and application are accordingly dismissed as withdrawn, with liberty as aforesaid.

JULY26, 2016
r



(SUNIL GAUR)
JUDGE