

\$~15

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

Decided on: 03rd August, 2017

+ MAC.APP. 98/2017 and CM 3363/2017

RELIANCE GENERAL INSURANCE CO LTD Appellant

Through: Mr.A.K. Soni, Advocate

versus

REKHA & ORS

..... Respondents

Through: Mr.A.N. Aggarwal, Adv. for R-1
to 4

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The accident claim case (MACP 1515/16) instituted by first to fourth respondents has been decided by the Motor Accident Claims Tribunal, by judgment dated 15.11.2016, awarding compensation in their favour on account of death of Shrikant in a motor vehicular accident that allegedly took place on the night of 16 / 17.09.2010 statedly due to negligent driving of a motor vehicle bearing no.DL-1E-1673.

2. The insurance company on which the liability to pay the compensation has been fastened is in appeal raising several contentions including the prime one that involvement of the offending vehicle and negligence on the part of its driver was not proved.

3. The learned counsel for the claimants concedes that eye witness account was available and the same has not been brought before the Tribunal. He, therefore, fairly conceded that the appeal may be allowed and the matter remitted to the tribunal for further inquiry.
4. The impugned judgment is set aside. The claim case is remitted to the tribunal for further inquiry in which the claimants will be given opportunity to lead further evidence to prove the involvement and negligence on the part of the driver of the above mentioned vehicle. If so required, having regard to the other contentions urged in the appeal, claimants will also have the liberty to lead further evidence on other aspects as well. Needless to add, the tribunal will give an opportunity to the contesting parties to lead evidence in rebuttal, if any, before taking a fresh decision.
5. The parties are directed to appear before the tribunal on 04.09.2017.
6. The insurance company had deposited the awarded amount with interest in terms of order dated 27.01.2017. The said amount shall be presently refunded.
7. The statutory amount shall also be refunded.
8. The appeal and the pending application are disposed of in above terms.

R.K.GAUBA, J.

AUGUST 03, 2017

yg