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

Decided on: 24th October, 2017

+ **MAC APPEAL No. 132/2017**

RINA DEVI & ORS. Appellants

Through: **Mr. S.K. Vashishtha, Adv.**

versus

MOHAN LAL GURJAR & ORS Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. By judgment dated 27.10.2016, the tribunal decided three accident claim petitions including one (suit no. 3845/2016) for and on behalf of the appellants seeking compensation on account of death of Pradeep Yadav in a motor vehicular accident that had occurred on 21.03.2005 involving negligent driving of motor vehicle bearing registration no. HR 61 7689, admittedly insured against third party risk with the third respondent for the period in question. The Tribunal awarded compensation in the total sum of Rs. 13,10,000/-, it inclusive of Rs. 20,000/- towards medical expenses rejecting the claim of the appellants that an amount of Rs. 7,82,404/- had been incurred in the treatment observing that only a bill (Ex.PW-2/9) had been submitted, there being no proof of any such payment.

2. The appeal by the claimants is pressed only to seek enhancement of the compensation by inclusion of the above-

mentioned amount incurred in the treatment of the victim who had remained hospitalized for certain period after the accident before death occurred.

3. At the hearing, the counsel for the appellant submitted that the matter may be remitted to the tribunal so that appropriate evidence with regard to the payment of above-mentioned amount may be adduced. Though the third respondent has been served and had even appeared on the last date, at the hearing, there is no appearance on its behalf.

4. In the given facts and circumstances, the prayer is found to be just and proper. The impugned judgment rejecting the claim for inclusion of the above-mentioned medical expenditure is set aside and the matter to that extent is remitted to the tribunal for fresh adjudication after further inquiry in the course of which the claimants will be entitled to lead additional evidence. Needless to add the parties that contest will also have the opportunity to lead evidence in rebuttal, if any.

5. The parties are directed to appear before the tribunal on 22nd November, 2017.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

OCTOBER 24, 2017

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