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

Decided on: 7th September, 2017

+ **MAC APPEAL No. 137/2015 & CM No. 2351/2015**

GENERAL MANAGER, RSRTC & ANR. Appellants

Through: **Dr. Ritu Bhardwaj, Adv.**

versus

BABLU KUMAR MAHTO Respondent

Through: **Mr. Rajiv Ranjan Dwivedi, Mr.
Kabir Hazarika & Mr. Anish
Kr. Mishra, Advs.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On 22.09.2010, the first respondent was moving in car bearing registration no. DL-1-Temp-AB-8719 (the car), when it came to be involved in a collision with bus bearing registration no. RJ-23-PA-3315 (the bus) of the appellant, at about 4.25 p.m. at the area of Rajokri Flyover, National Highway-8, New Delhi, resulting in he sustaining injuries. On accident claim case (petition no. 275/2013) instituted by the first respondent (claimant) on 01.08.2011, the tribunal, after inquiry, by judgment dated 30.10.2014, upheld the case that the accident had occurred due to negligent driving of the bus by the second appellant, employee of the first appellant. The tribunal determined the compensation in the total sum of Rs. 5,91,300/- and awarded the same directing the appellant to pay with interest @ nine per cent (9%) per annum.

2. The appeal is pressed to contend that there was no negligence on the part of bus driver, the accident having involved collision between more than two vehicles. Due to impact by another vehicle the tyre of the bus having got burst, consequent upon which came to be involved in a collision against the car of the claimant. This contention only needs to be noted and rejected as it is not founded on any evidence adduced before the tribunal. It does appear from the FIR, copy whereof is available on the record of the tribunal, that more than two vehicles were involved. But then, no suggestions to the above effect as to the sequence of events were given when the claimant was in the witness box. The driver of the bus was also not called upon to testify facts on the lines being suggested.

3. In these circumstances, the appeal is found devoid of substance and the same with pending applications are dismissed.

4. By order dated 10.02.2015, the appellant had been directed to deposit the entire awarded amount with proportionate interest with the bank which was held in fixed deposit receipt. The amount deposited by the appellant shall be released to the claimant with accrued interest. In case there is any deficiency, the claimant is at liberty to move the tribunal with appropriate application.

5. The statutory amount shall be refunded after proof is adduced of the award having been satisfied.

R.K.GAUBA, J.

SEPTEMBER 07, 2017/nk