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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 292/2017 & C.M.No.1038-40/2017
RAJEEV KUMAR Petitioner

Through: Mr. Ramraghvendra Kumar,
Advocate

versus

RAJMAL & ORS Respondents

Through: Mr. Rajeev M. Roy, Advocate for
R-3

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **14.03.2017**

Petitioner claims to have sustained injuries in a road accident on 31st October, 2012. In this petition, a direction is sought to learned Motor Accidents Claims Tribunal (*hereinafter referred to as Tribunal*) for expeditious disposal of petitioner's claim petition and a direction is also sought to respondent-Insurer to pay a sum of ₹6 lacs for petitioner's urgent medical treatment.

Mr. Rajeev M. Roy, Advocate present in the court is called upon to put in appearance on behalf of respondent-Insurer. Notice of this petition to respondents No.1 & 2 is dispensed with as this Court is informed that none has been appearing on their behalf before learned Tribunal on the last few dates.

Learned counsel for petitioner submits that application for early hearing of the claim petition is pending before learned Tribunal for the last three months, but still learned Tribunal is not expediting the proceedings. Attention of this Court is drawn to a certificate of Jaipur

Golden Hospital, Delhi, which indicates that petitioner has to get the surgery for implant removal, right elbow and left wrist and its cost is about ₹6 lacs.

Upon hearing and on perusal of the material on record including learned Tribunal's order-sheets, I find that interim Award of ₹25,000/- has already been passed. During the course of hearing, this Court is apprised by learned counsel for petitioner that interim Award was passed in June, 2016 and the medical urgency has arisen in December, 2016. In similar situation, a Co-ordinate Bench of this Court in *ICICI Lombard General Insurance Co. Ltd. Vs. Shiv Kumar & Ors.*, 2016 SCC Online Del 2015 has directed expeditious trial while making it clear that with the aid of Section 151 of *Code of Civil Procedure*, directions ought not to be issued to the Insurer to pay the medical expenses as there is no such provision in the Motor Vehicles Act, 1988. I find no reason to take a different view than the one taken in *Shiv Kumar (supra)*. However, in the facts and circumstances, learned Tribunal is directed to prepone the date of hearing from May to April after giving notice to the counsel for the parties and thereafter, to expeditiously proceed to decide the claim petition within three months from the date so fixed. Regarding the urgent medical treatment, let the concerned hospital provide the medical treatment to petitioner on credit basis subject to completion of due formalities. The parties alongwith their respective counsels are directed to appear before learned Tribunal on 20th March, 2017 and on the said date, learned Tribunal shall take up the matter in terms of this order.

With the aforesaid directions, this petition and the applications are disposed of.

A copy of this order be given *dasti* to counsel representing both the sides.

SUNIL GAUR, J

MARCH 14, 2017

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