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

Decided on: 16th November, 2017

+ **MAC APPEAL No. 440/2012**

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through: Mr. Pankaj Seth, Adv.

versus

JAYANT KUMAR VERMA & ORS. Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The first respondent (the claimant) had instituted accident claim case (MACT No. 713/2006) on 02.06.2006 seeking compensation for injuries suffered in motor vehicular accident that statedly occurred on 11.04.2005 at about 6.30 p.m. involving collision between two vehicles, one Maruti Van bearing registration No. DL 8CE 2614 (the van) and, the other, tractor bearing registration no. HR 19B 2606 (the tractor), the latter vehicle admittedly insured against third party risk with the appellant for the period in question and the former admittedly driven by the first respondent (claimant) himself, the collision having occurred head-on.

2. The tribunal, by judgment dated 20.01.2012, held that the accident had occurred due to negligence on the part of the driver of the

tractor. It awarded compensation in favour of the claimant and fastened the liability against the insurer.

3. The appeal of the insurer is pressed to question the finding on the issue of negligence.

4. Having heard the learned counsel for the insurer and having perused the record, this Court finds no merit in the appeal. The sequence of events leading to the accident have been narrated by the claimant (PW-1) and his brother Ravi Kumar (PW-2). There was no effort made to examine the driver of the tractor to explain his version or bring out facts to the contrary.

5. In these circumstances, the appeal is dismissed.

6. By order dated 04.05.2012, the insurance company had been directed to deposit the awarded amount with upto date interest with UCO Bank, Delhi High Court Branch. By order dated 09.11.2012, 75% of the awarded amount was permitted to be released to the claimant. The balance shall now be released to the claimant in terms of the impugned judgment.

7. The statutory amount shall be refunded.

R.K.GAUBA, J.

NOVEMBER 16, 2017

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