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

*Decided on: 21<sup>st</sup> November, 2017*

**+ MAC.APP. 681/2012 and CM APPL.11029/2012**

NEW INDIA ASSURANCE CO LTD ..... Appellant  
Through: Mr. P. Acharya, Advocate.

versus

RENU DEVI & ORS ..... Respondents  
Through: None.

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

**JUDGMENT (ORAL)**

1. By judgment dated 29.03.2012, the Motor Accident Claims Tribunal decided the claim case (MAC Petition No. 1231/10) of the first to third respondents (collectively, the claimants) awarding compensation in their favour on account of death of Ganesh Singh in a motor vehicular accident that occurred on 12.08.2010 statedly due to negligent driving of truck bearing registration No. UP-15C-3553 which was admittedly insured against third party risk with the appellant (the insurer) for the relevant period. The appeal of the insurer is pressed only on the ground that negligence was not properly proved by eye-witness account.

2. Having heard the learned counsel and having gone through the record, this Court is of the opinion that the Tribunal's judgment on the issue does not call for any interference. The Tribunal has gone by the principle of the *res ipsa loquitor*, taking into account the

circumstances surrounding the sequence of events leading to the fatal accident.

3. The appeal is accordingly dismissed.
4. By order dated 06.07.2012, the appellant had been directed to deposit the entire awarded amount and by subsequent order dated 26.04.2013, 50% of the awarded amount was released in favour of the claimants. The Registry shall now take steps to release the balance lying in deposit with accrued interest in terms of the judgment of the Tribunal.
5. The statutory amount shall be refunded.
6. The pending application also stands disposed of.

**NOVEMBER 21, 2017**  
srb

**R.K.GAUBA, J.**