$~R-609

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

Decided on: 01st December, 2017

\+ MAC APPEAL 1059/2012

RELIANCE GENERAL INSURANCE COMPANY LTD. ..... Appellant

Through: Mr. A.K. Soni and Mr. Pavan Kumar, Advocates

versus

NAVEEN KUMAR & ANR. ..... Respondents

Through:

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

JUDGMENT (ORAL)

1. The award of compensation in favour of the first respondent (claimant), in accident case (suit no.890/2010), instituted on 07.04.2010, decided by the Motor Accident Claims Tribunal (Tribunal) by judgment dated 17.05.2012, on the basis of finding that he had suffered injuries in a motor vehicular accident that occurred on 27.07.2009, due to negligent driving of a car bearing registration no.UK-07-V-9893, admittedly insured with the appellant (insurer) for the period in question against third party risk, is assailed by the appeal at hand on the ground that the word of the claimant was not corroborated by any corresponding first information report (FIR).

2. Having heard the learned counsel for the appellant and having gone through the tribunal's record, this court finds no merit in the contention. The registration of FIR is not a *sine qua non* for maintaining an accident claim case. Noticeably, the claimant's word that he was injured by the insured vehicle driven in a negligent manner has gone unimpeached. Pertinent to also add that the claimant had lodged a report with the local police station which only recorded a daily diary entry, the inaction on the part of the police also being subject matter of a complaint to the superior authorities.

3. The appeal is, thus, dismissed.

4. By order dated 24.09.2012, the insurance company had been directed to deposit fifty percent (50%) of the award amount with up-to-date interest with the Registrar General and by orders dated 03.09.2015 and 12.05.2017, some amounts were released to the claimant. The insurance company is directed to satisfy the award, by requisite deposit of the balance amount with the tribunal within 30 days, making it available to be released to the claimants.

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

R.K.GAUBA, J.

DECEMBER 01, 2017
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