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

Decided on: 27th September, 2017

+ **MAC.APP. 543/2008**

HEMANT PUNJ (DECEASED THROUGH LRs) Appellant
Through: Mr. Bhupesh Narula, Advocate

versus

ARUN KUMAR & ORS. Respondents
Through: Mr. Bali Ram Dwivedi, proxy
counsel for Mr. Amit Bajaj, Adv. for R-1 & 2
Mr. Sameer Nandwani, Adv. for R-3

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

JUDGMENT (ORAL)

1. The appeal was filed by the claimant expressing grievance about the deficiency in the compensation awarded by the Motor Accident Claims Tribunal (Tribunal) by judgment dated 21.07.2008 in the accident claim case (suit no.72/2006) whereby it had been held that the appellant had suffered injuries in a motor vehicular accident that had occurred on 09.04.2002 due to the negligent driving of Indica car bearing registration no.DL-3CS-6217 by the first respondent, it being a vehicle registered in the name of the second respondent and admittedly insured against third party risk with the third respondent for the period in question. The claimant / appellant died during the

pendency of the appeal on 28.06.2013 and has since been substituted by his wife and son.

2. It is the contention of the appellants that as a result of the injuries, he was rendered totally incapacitated, his functional disability deserving to be evaluated as 100% and consequently he being entitled to the award of loss of future earnings calculated in such light, such amount now being claimed by his legal representatives as compensation on account of loss to estate. It is the further contention of the appellant's legal representatives that death has occurred on account of the injuries suffered.

3. The subsequent events, in particular, do require further evidence to be brought on record as is the prayer made to seek remit. The counsel for the respondents on being asked submitted that he leaves the matter to the discretion of the court.

4. In above facts and circumstances, the impugned judgment is set aside. The claim case is remitted to the tribunal for further inquiry and fresh adjudication on the question of determination of the compensation. The parties shall appear before the tribunal on 27.10.2017.

5. Needless to add, the amount already received by the claimant shall be liable to be adjusted.

6. The appeal is disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 27, 2017

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