$~R-617

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 1st December, 2017

\+ MAC. APPEAL No.1086/2012 and CM Nos.17271/2012, 17273/2012

SANJEEV SHARMA ..... Appellant
Through: Nemo.

versus

SANJAY AND ORS. .....Respondents
Through: Mr. Pankaj Seth, Advocate for R-3.

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

JUDGMENT (ORAL)

1. The appellant was the claimant before the tribunal, in a motor accident claim case (Suit No.455/11) instituted on 24.09.2011, seeking compensation for the injuries suffered in a motor vehicular accident that took place on 14.08.2011. The tribunal, by judgment dated 20.04.2012, awarded Rs.2,53,378/- as compensation, fastening the liability on the third respondent (insurer) of the offending vehicle to pay, the said amount inclusive of Rs.1,45,900/- towards medical expenses, Rs.9,000/- for special diet and conveyance, Rs.23,478/- for loss of income and Rs.75,000/- under the head of pain and suffering.

2. The appeal was filed with the grievance that the award is deficient.

3. The appeal was put in the list of *'Regulars'* vide order dated 26.02.2016 to come up on its own turn. When called out for hearing, there is no appearance for the appellant. The matter has been considered with the assistance of the counsel for the third respondent. Record has been perused.

4. The prime grievance in the appeal is that the income tax return (ITR) for the year 2010-2011 was wrongly ignored by the tribunal and, therefore, the income was under assessed.

5. On perusal of the record, it is found that the copy of the ITR submitted did not even bear any endorsement of its submission with the income tax department. The tribunal did not, therefore, consider it proper to proceed on its basis and rightly so.

6. The appeal is devoid of substance and is dismissed.

7. The pending application also stands disposed of.

R.K.GAUBA, J.

DECEMBER 01, 2017
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