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

+ **CM(M) 1079/2016**

BHOM SINGH Petitioner

Through: **Mr. V.N. Jha, Advocate**

Versus

VED PRAKASH & ANR. Respondents

Through: **Mr. Rajeev M. Roy, Advocate**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

13.01.2017

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Interim order of 7th May, 2015 puts the liability on owner of the vehicle in question to pay interim compensation amount. Appellant is the claimant who submits that the liability to pay compensation amount is a crucial issue, which is required to be decided at end of the proceedings and proceedings of this case are at the fag end before learned Motor Accident Claims Tribunal and impugned order will adversely impact appellant at the final stage of claim petition.

Learned counsel for appellant on instructions submits that appellant is ready to forego interim compensation granted vide impugned order provided it is made clear that any observation in the impugned order will have no bearing on merits at the time of final decision of claim petition.

Learned counsel for respondent-insurer submits that the view taken

in impugned order is *prima facie* one and learned Motor Accident Claims Tribunal will ofcourse decide the claim petition on merits.

Upon hearing and on perusal of impugned order, I find that since the proceedings before learned Motor Accident Claims Tribunal are at the fag end, therefore, this Court is not inclined to comment upon the correctness of impugned order. While deciding the interim compensation, learned Tribunal has commented upon the core of the issue which will have bearing on merits at the final hearing.

In the peculiar facts and circumstances of this case and without commenting on merits of the impugned order, this petition is disposed of with clarification that anything observed in impugned order shall have no bearing on merits at the final decision of the claim petition.

The petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2017

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