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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 26th July, 2017

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CM(M) 683/2017 and CM 23631/2017

HDFC ERGO GENERAL INS. CO. LTD Petitioners

Through: Mr. Sameer Nandwani and Mr. P.
Acharya, Advocates

versus

RASHMI LUTHRA & ORS Respondents

Through: Mr. Amit Sharma, Mr. Ravinder
Yadav and Mr. D.S. Chauhan, Advocates
for R-1 to 4

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The accident claim case arising out of detailed accident report (DAR) no.286/DAR/14, prosecuted by the first to fourth respondents (claimants) on account of the death of Mahender Kumar Luthra, had come up before the Tribunal on 06.08.2016 at the stage of final arguments. The petitioner / insurance company was a party to the said proceedings. But, there was no appearance on its behalf. The Tribunal issued Court notice and adjourned the matter to 25.10.2016. In spite of service of the court notice, there was no appearance on 25.10.2016. This led to the impugned order being passed whereby the case was

adjourned to 15.12.2016 but cost of Rs.3500/- was imposed against the manager of the insurance company with further direction that it be recovered from the salary of the concerned manager.

2. The learned counsel for the claimants submits that he has nothing to say on the prayer for waiver of the cost in as much as the claimants are only interested in early adjudication. The other respondents (driver and owner), noticeably, have not been participating in the proceedings before the Tribunal as they were not present on the two above mentioned dates.

3. Since the petitioner now regrets the non appearance of the counsel for the insurance company before the Tribunal, the costs imposed by the Tribunal by the impugned order are waived in the hope that there would be no such occasion in future for the Tribunal, or this court, for passing such orders. The counsel for the petitioner undertakes that there would be proper representation on behalf of the petitioner company before the Tribunal on 10.08.2017 which is stated to be the next date for final arguments.

4. The petition and the pending application are disposed of with these observations.

R.K.GAUBA, J.

JULY 26, 2017

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