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

Decided on: 21st July, 2017

+ **MAC.APP. 994/2016 and CM 44330/2016**

TATA AIG GENERAL INSURANCE CO LTD Appellant

Through: Mr. Rudra Kahlon and Ms.
Vandana Kahlon, Advocates

versus

SANTRAM AND ORS Respondents

Through: Mr. S.N. Parashar, Advocate for
R-1 to 3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The accident claim case (MACT 116/13, new number 15269/2015) of the first to third respondents (claimants) resulted in judgment dated 29.08.2016 in award of Rs.19,07,280/-, the liability being fastened on the appellant insurance company, which is in appeal questioning the computation on the ground that the income from the private employment was not strictly proved.
2. After some hearing, the learned counsel for the claimants fairly conceded to the objection but requested that the matter may be remanded so that the claimants can lead appropriate evidence.

3. In above view, the appeal is allowed. The impugned judgment is set aside. The claim case is remanded to the Motor Accident Claims Tribunal (Tribunal) for further inquiry in accordance with law. The parties shall appear before the Tribunal on 21.08.2017.

4. The amount deposited by the insurance company in terms of the order dated 29.11.2016 shall be presently refunded with statutory deposit.

5. The appeal and the pending application are disposed of in above terms.

JULY 21, 2017

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R.K.GAUBA, J.



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