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

+ MAC.APP. 1060/2016 and CM 47651/2016 and 1494/2017

THE ORIENTAL INSURANCE CO LTD Appellant

Through: Mr.J.P.N. Shahi and Ms. Komal
Dhingra, Advocates

versus

SHIVAM SHARMA & ORS Respondents

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.08.2017

The challenge by the appeal is to the interim order dated 07.09.2016 whereby the Motor Accident Claims Tribunal (Tribunal) on the claim petition (suit no.4834/2016) of the first respondent granted interim compensation in the sum of Rs.5 Lakh. Despite notice and he having appeared through counsel on the previous date, at the hearing, there is no appearance on his behalf.

The interim compensation is granted on the principle of no fault liability under Section 140 of the Motor Vehicles Act, 1988 in case of injury claims upon proof being shown about permanent disablement and involvement of the motor vehicle in question, but the same has a cap of Rs.25,000/-. In these circumstances, the impugned order cannot be sustained. It is set aside.

The statutory deposit shall be refunded.

This disposes of the appeal and the pending applications.

The claimant has the liberty to press for an appropriate award being granted in terms of Section 140 of the Motor Vehicles Act if a case for such relief is properly made out.

R.K.GAUBA, J

AUGUST 30, 2017

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