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

+ **MAC.APP. 647/2017**

MUNNI DEVI & ORS

..... Appellants

Through: Mr. Sameer Nandwani, Advocate

versus

ASHU SHARMA & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% 25.07.2017

CM No.26174/2017 (Exemption)

Allowed subject to just exceptions.

MAC.APP. 647/2017

The appellants were claimants before the Motor Accident Claims Tribunal (Tribunal) they being the widow, children and mother of the deceased Ajeet Singh, the claim proceedings (DAR 14914/15) having arisen out of a detailed accident report (DAR) submitted by the local police. The Tribunal while assessing the loss of dependency by the impugned judgment dated 16.05.2017 has observed in para 18 that though the claimants pleaded that the deceased was employed as a constable with Rajasthan Armed Constabulary posted at Delhi at the relevant point of time, no documentary proof regarding such job or salary / pay slip had been

proved or produced.

The claimants by the appeal at hand submit that a copy of the last pay certificate was part of the material which was before the Tribunal as submitted with DAR, it indicating that the deceased was in receipt of salary and allowances to the extent of Rs.39,462/- p.m. The Tribunal ignoring the said document has chosen to award loss of dependency calculating the income on the basis of minimum wages of Rs.7,254/- p.m.

After some haring, the learned counsel for the appellant submitted that he may be allowed to withdraw the appeal and raise the issue by way of a review petition before the Tribunal.

The appeal is dismissed as withdrawn with liberty to file a review application as prayed granted. Needless to add, while entertaining the review application and dealing with the issue of delay, the Tribunal will bear in mind the delay which has occasioned on account of the appeal having been preferred.

Dasti.

R.K.GAUBA, J

JULY 25, 2017

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