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

+ **MAC.APP. 714/2017 and CM 28814-28815/2017**

AHMED SAEED & ORS Appellants

Through: Mr. Dalip Kumar Santoshi and Mr. Vijai
Singh, Advocates

versus

VINOD YADAV & ORS Respondents

Through: Mr. P. Acharya, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **11.08.2017**

The first and second appellants are parents of Nagma while other appellants are her brothers. Nagma admittedly was married to Rijadduin. She was riding on the pillion of a motorcycle bearing registration no.DL-5-SAJ-2092 on 16.11.2012 when it met with an accident in the area of Parnami Hospital, Adarsh Nagar, Delhi, statedly due to negligent driving of another motor vehicle described as crane bearing registration no.HR-55P-4986. The police registered FIR and on the basis of evidence gathered submitted a detailed accident report (DAR) before the Motor Accident Claims Tribunal (Tribunal) which was treated by the said forum as a claim petition.

The appellants herein initially alleged that the death of Nagma

was not a case of accident but that she had been subjected to culpable homicide amounting to murder by her husband. Later, they filed accident claim case MACT 449316/16, old no.156/2015) also pleading it to be a case of death due to a motor vehicular accident and seeking share in the compensation.

On the claim petition registered on the basis of DAR, the Tribunal awarded compensation in favour of the husband by order dated 26.05.2017. The Tribunal by the impugned judgment dismissed the claim petition of the appellants holding that they were not entitled to any share.

The learned counsel at this stage submitted that he may be allowed to withdraw the appeal as the appellants now fairly concede that the judgment of the Tribunal is based on correct appreciation of facts and in accordance with law.

The appeal with connected applications is dismissed as withdrawn.

R.K.GAUBA, J.

AUGUST 11, 2017

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