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

+ **MAC.APP. 519/2016**

**NATIONAL INSURANCE CO LTD** ..... Appellant

Through: Mr. Shoumik Mazumdar, Advocate

versus

**RUKSANA AND ORS** ..... Respondents

Through: Mr. Iqrar Ali Khan, Advocate for R-1  
to 5.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

**%**

**09.03.2018**

The insurance company is aggrieved by the judgment dated 22.04.2016 of the motor accident claims tribunal on the accident claim case (suit no. 77/2016) of first to fifth respondents (collectively, the claimants) on the ground no opportunity was given to it to submit its pleadings nor any evidence recorded. It is noted from the impugned judgment that soon after the insurance company had submitted its legal offer which was not acceptable to the claimants, the tribunal proceeded to pass the award. The learned counsel for the claimants fairly concedes that the procedure adopted by the tribunal cannot be approved, there having been no inquiry conducted.

Thus, the impugned judgment is set aside. The claim case is remitted to the tribunal for appropriate inquiry in accordance with law. Since the legal offer has already been rejected by the claimants, the tribunal will give

opportunity to the contesting respondents to file their pleadings and thereafter proceed to hold inquiry including by recording evidence and adjudicating on the contentions raised.

The parties are directed to appear before the tribunal on 6<sup>th</sup> April, 2018. The amount deposited by the insurance company in terms of order dated 15.07.2016 along with accrued interest thereupon and the statutory deposit shall be presently refunded.

**R.K.GAUBA, J.**

**MARCH 09, 2018**

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