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

+ **MAC.APP. 948/2017, CM APPL.41591/2017, 7690/2018, 38960-38961/2017**

ASHOK KUMAR CHAUDARY Appellant

Through: Mr. Nishit Kush and Mr. Mercy
Hussasin, Advs.

versus

ANITA KHURANA & ORS Respondents

Through: Mr. A.K.Soni, Adv for R- 2.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **07.05.2018**

CM APPL. 38961/2017

1. The delay of 111 days in filing the appeal is condoned.
2. Application is disposed of.

MAC.APP. 948/2017

3. The appellant has challenged the award dated 28th March, 2017 whereby the compensation of Rs.1,21,150/- has been awarded to claimants and recovery rights have been granted to Respondent No.2 to recover the amounts from the appellant on the ground that the driver was not holding a valid driving license at the time of accident.
4. Learned counsel for the appellant submits that the driver of the offending vehicle was holding a valid driving license at the time of accident and the appellant checked the driving license of driver at the time of employment and also verified from the concerned transport authority and also took a driving test before employing the driver.

5. The appellant seeks permission to lead additional evidence. CM APPL. 7690/2018 is allowed and appellant is permitted to lead additional evidence before the Claims Tribunal.
6. The appeal is allowed, recovery rights granted by the Claims Tribunal to respondent No.2 are set aside and issue to recovery rights is remanded back to the Claims Tribunal. The Claims Tribunal shall record additional evidence of the appellant and thereafter, afford an opportunity to respondent No.2 to rebut the same and, thereafter, pass a fresh order relating to the claim of the Respondent No.2 for recovery rights against the appellant.
7. The parties shall appear before the Claims Tribunal on 12th July, 2018.
8. The record of Claims Tribunal be returned back.
9. The appellant has deposited 25% of the award amount with the Registrar General in terms of order dated 18th December, 2017.
10. The Registrar General is directed to send the FDR of the aforesaid amount to the Claims Tribunal and the Claims Tribunal shall retain the FDR till the fresh order is passed. Claims Tribunal shall pass a fresh order for disbursement of the FDR amount.
11. Pending Applications are disposed of.
12. Copy of this order be given *dasti* to counsels for the parties under the signatures of the Court Master.

J.R. MIDHA, J.

MAY 07, 2018

Pallavi