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

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Decided on: 13.09.2019

+ MAC.APP. 159/2019 & CM APPL. 4167/2019

UNITED INDIA INSURANCE CO LTD Appellant

Through: Mr. Ravi Sabharwal, Advocate.

versus

RAJESH & ORS Respondents

Through: Mr. S.N. Parashar, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 11.12.2018 in Suit No. 581/18 on the ground that the identity of the offending vehicle itself is in doubt; that a motor-cycle bearing registration no. DL- 9SBG-0800 was involved in the accident; that the case was closed after the police found that no such vehicle by the said number, existed. On an application being moved by the claimant, the learned Tribunal did not find the Untraced Report satisfactory. Indeed, the claimant himself went about to look into the matter and found that the third digit in the aforesaid registration number was 4 instead of 9. In the circumstances, the learned Tribunal had directed the police to investigate the matter afresh to find out as to how many

motorcycles were registered with the last digits as '0800'. The order passed in this regard reads as under:-

“3. Before deciding the claim of compensation of injured Rajesh, it is necessary to decide the defence of Insurance Company that there is a discrepancy regarding registration number of offending vehicle. It is argued by counsel for Insurance Company that injured himself told the registration number of offending vehicle to the police as 'DL-9SBG-0800' before registration of FIR whereas at a very later stage, he gave statement that registration number of offending vehicle is 'DL-4SBG-0800' and not 'DL-9SBG-0800'. He argued that this conduct of injured creates a doubt on the involvement of vehicle bearing registration No. DL-4SBC-0800 which was insured with the Insurance Company.

4. Earlier an untrace report was filed by the IO on 25.05.2018 while stating that as per statement given by the injured, efforts were made to trace out motorcycle bearing registration DL-9SBG-0800. Said untrace report and present DAR were tagged together vide order dated 04.08.2018. In the untrace DAR, IO found out that no motorcycle is registered under aforementioned registration number. However, this Court was not satisfied with the investigation done by the IO and observed on 25.05.2018 itself that no proper investigation has been done in this matter and there is no monitoring at the part of SHO. IO was directed to make efforts and take details of all the vehicles having the number '0800' from the concerned Transport Authority.

5. Police after fresh investigation, in FIR No. 52/17 which was registered at PS Govindpuri in respect of present accident, filed charge sheet against respondent No. 1 under section 279/338 of IPC while mentioning correct registration number of offending motorcycle as DL-4SBG-0800. DAR was filed by the investigation officer while

mentioning the same registration number of offending motorcycle. Hence, there is no discrepancy regarding registration number of offending vehicle.”

2. Insofar as the identity of the vehicle has been established by way of judicial order after examination of the records, the same cannot be faulted. When the accident happened and the injured was in acute pain and shock, a confusion between the digit of “9 instead of 4” is plausible.
3. In the circumstances, the Court finds no reason to interfere with the impugned order.
4. There is no merit in the appeal, it is, accordingly, dismissed.
5. Awarded amount, alongwith interest accrued thereon, be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.
6. Statutory amount, alongwith interest accrued thereon, shall be deposited into the ‘AASRA’ Fund.

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NAJMI WAZIRI, J.

SEPTEMBER 13, 2019

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