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

+ **MAC.APP. 2/2020, CM APPL. 14/2020 & CM APPL. 15/2020**

RAVI GUPTA Appellant

Through: Mr. Atul Sahi, Advocate.

versus

L & T SUCJ JV CC 27 DELHI & ORS Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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06.01.2020

This appeal impugns the award of compensation dated 16.11.2019 passed by the learned MACT in MACP No. 75554/16, on the ground that (i) the appellant was duly covered under bulk insurance policy, (ii) the nature of work was covered under the contract with L&T JV CC 227, Delhi – respondent no. 1, therefore, monies would have to be paid by the insurance company. The appellant's vehicle was not covered under third party risk but only for own damage claim. He seeks to recover the monies from respondent no. 1 under the said clause in the work contract, as noted in the impugned order at para 24, by impleadment of New India Insurance Co. Ltd., United India Insurance Co. Ltd. and The Oriental Insurance Co. Ltd., who had extended insurance cover, apropos the project with respondent no. 1, under whose instructions the appellant was carrying out the project work.

The Court is of the view that this relief should be sought before the appropriate forum and not in this appeal. The involvement of the vehicle is all

the learned Tribunal has to see. The alleged vehicle which was involved in the motor accident led to the unfortunate demise of a child for which compensation has been awarded. In the circumstances, the appeal is liable to be dismissed.

At this stage, the learned counsel for the appellant seeks to withdraw the appeal with liberty to pursue his remedies as may be available in law. The appeal, alongwith pending applications, is dismissed as withdrawn. The liberty sought is granted, subject to the appellant depositing the awarded amount before the learned Tribunal, within a period of two weeks from the date of receipt of copy of this order, to be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

The statutory amount, alongwith interest accrued thereon, be returned to the appellant.

NAJMI WAZIRI, J

JANUARY 06, 2020

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