

\$~1

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

%

Date of Decision: 05th March, 2020

+ **MAC.APP. 53/2020**

RAMANAND KHANNA

(NOW DECEASED) THR LRS

..... Appellants

Through: Mr. B.S. Rana, Advocate

versus

DELHI TRANSPORT CORPORATION & ORS

(UNITED INDIA INSURANCE CO LTD)

..... Respondents

**Through: Mr.Vikrant N. Goyal, Mr. Suraj
Kumar, Advocates for respondent
No.1/DTC**

**Mr.Mahua Kalra, Advocate for
respondent No.3.**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

CM APPL.4456/2020

1. This application is allowed and the legal representatives of the deceased, Rama Nand Khanna are substituted in place of the deceased.

MAC.APP.53/2020

2. The appellant has challenged the award of the Claims Tribunal whereby the Claims Tribunal dismissed the claim petition.

3. The appellants' case is that late Rama Nand Khanna was travelling in bus No.DL-1PC-9825 on 19th February, 2013 at about 6.00 A.M., the bus

jumped a speed breaker due to which the deceased fell on the floor and suffered grievous injuries on his shoulder and back; the deceased was taken to the hospital and discharged; the deceased became diabetic due to the injuries and his left foot was amputated.

4. The respondent contested the claim on various grounds *inter alia* that no such accident took place as alleged by the deceased; no complaint was made to the police and no FIR was registered. Without prejudice, it was submitted that the OPD card submitted by the deceased only mentions back pain and pain in the shoulder whereas the amputation of the left foot of the deceased was on account of diabetes which was not the result of the accident.

5. The Claims Tribunal held that the deceased was travelling in the bus and fell down on the floor of the bus but suffered minor injuries and the deceased was unable to prove that the simple injuries resulted in diabetes and amputation of his left foot.

6. Learned counsel for the appellant urged at the time of the hearing that the simple injuries suffered by the deceased resulted in diabetes. This plea does not pass the test of judicial belief as no medical evidence was placed on record to show that the simple injuries resulted in diabetes. In that view of the matter, there is no infirmity in the well-reasoned finding of the Claims Tribunal.

7. There is no merit in the appeal which is hereby dismissed.

J.R. MIDHA, J.

MARCH 05, 2020
dk