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

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Decided on: 09.01.2020.

+ MAC.APP. 716/2019 & CM APPL. 35875/2019

THE NEW INDIA ASSURANCE CO LTD Appellant

Through: Mr. Pankaj Seth, Advocate.

versus

PAWAN KUMAR MAURYA & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 11.04.2019 passed by the learned MACT in MACT No. 465/2017, only on the ground that there were two pillion riders instead of one permitted pillion rider and the same contributed to the motor accident.
2. The statement of the learned counsel for the appellant is not supported by any evidence to show that the motorcyclist was unable to control the vehicle and as a result of double pillion riding and that resultantly crashed into the offending vehicle. It is a matter of record that the motorcycle was hit from behind by the offending vehicle, which was being driven in a rash and negligent manner.
3. Since there is no evidence to support the contention that the motorcyclist too was driving the motorcycle in a rash and negligent manner,

the aforesaid contention is untenable. Accordingly, the appeal, alongwith pending application, is dismissed.

4. The statutory amount, alongwith interest accrued thereon, be deposited into the 'AASRA' Fund created by this Court.

NAJMI WAZIRI, J

JANUARY 09, 2020

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