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

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Date of Decision: 05th February, 2020

+ **MAC.APP. 1098/2018 & CM Appl. 51440/2018**

MANAV BHAMBRI

..... Appellant

Through: **Mr.Vikas Negi and Mr. S.S.
Aggarwal, Advocates**

versus

PREM SHANKAR & ANR

..... Respondents

Through: **Mr.Yogesh Swaroop, Advocate for
R-1**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

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

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.7,45,012/- has been awarded to respondent No.1 against the appellant and respondent No.2.
2. On 21st September, 2016 at about 09:30 PM, respondent No.1 was returning home when he was hit by offending vehicle bearing No. DL-10SB-3446 driven by the appellant in front gate of Pocket-3, Paschim Puri. The accident resulted in fracture of right shaft tibia and fibula. The police registered FIR No.586/2016 dated 22nd September, 2016 against the appellant under Section 279/337 IPC.
3. Learned counsel for the appellant urged at the time of the hearing that the appellant has been falsely implicated by respondent No.1. It is submitted that the appellant was taking his scooty for repairs when some other vehicle

hit respondent No.1 whereupon the appellant took the respondent No.1 to hospital. It is submitted that the appellant has not caused the accident.

4. Learned counsel for respondent No.1 urged at the time of the hearing that the appellant has hit respondent No.1 and he has raised false claims before the Claims Tribunal as well as this Court. It is submitted that if some other vehicle had hit respondent No.1, the appellant would have given the particulars of that vehicle. It is submitted that the Claims Tribunal disbelieved the false defence raised by the appellant.

5. This Court is satisfied that the appellant was driving the offending vehicle at the time of the accident and he hit the deceased. The Claims Tribunal has rightly disbelieved the appellant that he was not driving the offending vehicle at the time of the accident as the appellant did not disclose the particulars of the vehicle which hit the deceased. Both the parties live in the same locality and know each other. There is no infirmity in the well reasoned findings of the Claims Tribunal recorded in paras 26 to 32 of the award. The amount awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any interference.

6. There is no merit in this appeal which is hereby dismissed. Pending application is also disposed of.

7. Copy of this judgment be given *dasti* to counsel for the parties under signatures of Court Master.

J.R. MIDHA, J.

FEBRUARY 05, 2020

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