$~41, 43, 45 to 47

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

% Judgment delivered on: 22.02.2021

\+ MAC.APP.98/2021

UPSRTC ..... Appellant

versus

SMT. SUMAN & ORS. ..... Respondents

\+ MAC.APP. 100/2021

UPSRTC ..... Appellant

versus

MASTER LUV & ANR. ..... Respondents

\+ MAC.APP. 102/2021

UPSRTC ..... Appellant

versus

SH. KULDEEP KUMAR & ANR. ..... Respondents

\+ MAC.APP. 103/2021

UPSRTC ..... Appellant

versus

SH. KULDEEP KUMAR & ANR. ..... Respondents

\+ MAC.APP. 104/2021

UPSRTC ..... Appellant

versus

SH. KULDEEP KUMAR & ANR. ..... Respondents

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Advocates who appeared in this case:
For the Petitioner: Mr. Aly Mirza, Advocate.

For the Respondent: None.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.6959/2021 (exemption)
CM APPL.7014/2021 (exemption)
CM APPL.7046/2021 (exemption)
CM APPL.7147/2021 (exemption)
CM APPL.7150/2021 (exemption)

Exemption is allowed subject to all just exceptions.

CM APPL.6960/2021 IN MAC.APP.98/2021
CM APPL.7015/2021 IN MAC.APP.100/2021
CM APPL.7047/2021 IN MAC.APP.102/2021
CM APPL.7148/2021 IN MAC.APP.103/2021
CM APPL.7151/2021 IN MAC.APP.104/2021

1. The hearing was conducted through video conferencing.

2. Appellant seeks condonation of delay of 23 days. It is noticed that the subject judgment impugned is dated 26.10.2020. The Supreme Court in Suo Moto Writ Petition(Civil) No.3/2020 by its order dated 23.03.2020 has extended the period of limitation under the general and special laws w.e.f. 15th March, 2020. Said order is still in operation.

3. In view of the above, there is no delay in filing the appeal.

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4. The applications are accordingly disposed of.

MAC.APP.98/2021 & CM APPL.6958/2021
MAC.APP.100/2021 & CM APPL.7013/2021
MAC.APP.102/2021 & CM APPL.7045/2021
MAC.APP.103/2021 & CM APPL.7146/2021
MAC.APP.104/2021 & CM APPL.7149/2021

1. These appeals arise out of common awards dated 26.02.2020, whereby the respective claim petitions have been allowed and compensation awarded.

2. As per the claim petitions, subject accident occurred on 17.06.2015 at about 11.50 PM in front of Bhudbarai Masjid, Meerut, U.P involving the bus of the Appellant being driven by Vikas Kumar who is also a respondent in these appeals.

3. The Tribunal based on the evidence has held that Sh. Mohan Kaushik @ Mohan Lal (deceased) along with Kuldeep Singh (claimant) injured, Meenakshi (deceased), Luv and other persons were coming in a car from Haridwar to Narela. At about 11.50 PM when they reached in front of Bhudbarai Masjid, Meerut, U.P, the offending bus being driven in a rash and negligent manner at a very high speed came and hit the car with great force. Due to the impact all the occupant of the car suffered injuries. Mohan Kaushik @ Mohan Lal, Meenakshi and Kush a nine year old boy suffered fatal injuries whereas Kuldeep Kumar and minor Luv suffered grievous injuries.

4. Tribunal has noticed that the Appellants had not disputed the factum of the accident, however, the dispute was with regard to

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negligence. It was contended that the driver of the offending vehicle was not negligent.

5. Tribunal has observed that the driver of the bus was examined as a witness and during cross examination, he had admitted that he was not driving the bus in the concerned lane meant for heavy vehicles. The Tribunal has further held that the testimony of the injured Kuldeep Singh could not be shaken during the cross examination and he has successfully withstood the test of cross examination.

6. The Tribunal accordingly held that the accident occurred on account of rash and negligent driving by the driver of the offending bus.

7. Nothing has been pointed out before this Court to contradict the finding returned by the Tribunal.

8. With regard to the computation, the Tribunal has followed the dicta laid down by the Supreme Court in *'National Insurance Company Vs. Pranay Sethi' (2017) 16 SCC 680.*

9. Nothing has been pointed out to show that the computation of the award done by the Tribunal is erroneous or contradictory to the judgment of the Supreme Court.

10. On perusal of the record as well as the evidence of the parties placed on record by the appellant, I find no infirmity in the finding

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returned by the Tribunal as well as the computation of the compensation awarded.

11. I find no merit in the appeals. The appeals are accordingly dismissed.

12. Learned counsel for the appellant contends that the matter is listed before the Tribunal in execution proceedings. He, however, assures that the appellant shall deposit the awarded amount with the Tribunal within a period of three weeks from today. On deposit of the amount, the Tribunal shall disburse the amount as per the scheme of disbursal provided in the stipulated award.

13. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

FEBRUARY 22, 2021/rk

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