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

% Judgment delivered on: 24th March, 2022

+ MAC.APP. 105/2021&CM APPL. 7224/2021 (additional evidence)

SMT SONIA Appellant

versus

SH SURJEET SINGH & ORS. Respondents

Advocates who appeared in this case:

For the Appellants: Mr. Anuj Soni, Advocate (through VC)

For the Respondent: Mr. Pradeep Gaur, Advocate for Ins. Co.
(through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Appellant/claimant impugns award dated 19.12.2020 seeking enhancement of the award.

2. Learned counsel for the appellant submits that the deceased was a practicing Advocate and the Tribunal has erroneously taken the minimum wage of a graduate and not taken into account his income that he would have earned as an Advocate.

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3. Learned counsel submits that since the deceased was the sole earning member of the family and has left behind a wife, aged father and a minor son, they were not in a position to obtain evidence and produce the same before the Tribunal to show his income.

4. Learned counsel submits that appellant has been able to now obtain the bank statement of the deceased which shows regular deposit of the fee amount into his account. He submits that there are other evidences also available to show that he was practicing as an Advocate.

5. It is prayed that the matter be remitted to the Tribunal on a limited aspect of enhancement to enable the appellant to lead further evidence for seeking enhancement of the compensation amount.

6. Keeping in view the facts and circumstances and also the fact that additional evidence has been produced before this Court, I am of the view that the impugned order requires a remit to the limited extent of enabling the appellant to lead additional evidence in support of their claim for enhancement of the compensation amount.

7. In view of the above, the matter is remitted to the Tribunal. Appellant shall be permitted to file additional evidence and prove the same in accordance with law in support of their claim for enhancement of compensation.



8. Respondent/insurance company shall also be afforded opportunity of leading evidence in rebuttal.

9. After the evidence is led, Tribunal shall re-examine the award only to the limited extent of the claim of the appellant for enhancement.

10. The appeal is allowed in the above terms.

11. The parties shall appear before the Tribunal on 26.04.2022.

SANJEEV SACHDEVA, J

MARCH 24, 2022

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