



\$~19

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

% Judgment delivered on: 07.01.2022

+ MAC.APP. 324/2021 & CM APPL. 44173/2021

SH. MANISH BHALLA AND ANR Appellants

versus

SH. MRIDUL GUPTA Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vineet Jain, Advocate.

For the Respondent: Mr. Somnath Parashar, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Appellants impugn award dated 21.09.2021 whereby the detailed accident report has been allowed and compensation awarded.
3. Learned counsel for the appellants submits that the Tribunal did not grant an opportunity of final hearing and has erroneously recorded that arguments were heard and the award has been passed.
4. Learned counsel submits that the matter was listed before the Tribunal on 18.08.2021 when only the party in person i.e. appellant No.1 was present. Tribunal recorded that part final arguments heard



and thereafter case was adjourned to 06.09.2021 for remaining final arguments, however, on 06.09.2021 only the claimant was present and the matter was adjourned to 14.09.2021 for the remaining arguments. He points out that on 14.09.2021 no further arguments were heard and matter was simply adjourned to 21.09.2021 for clarification/orders.

5. Learned counsel submits that though appellant was not present he was not even proceeded *ex parte* or *ex parte* arguments heard after 18.08.2021. Learned counsel submits that however on 21.09.2021 the impugned award has been passed holding that arguments have been heard on behalf of the appellant.

6. Clearly there is an error on the face of the record and the Tribunal has erred in holding that arguments have been heard when the arguments even of the claimant were not concluded.

7. Accordingly, in view of the above the award is not sustainable and is accordingly set aside. The matter is remitted to the Tribunal for a fresh decision after granting an opportunity of hearing. Parties shall appear before the Tribunal for directions on 27.01.2022. Tribunal shall endeavor to thereafter conclude the proceedings within a maximum period of three months from the said date.

8. It is clarified that this Court has neither considered nor commented upon the merits of the impugned award and the same has been set aside solely on the ground of lack of grant of opportunity of hearing to the appellants. All rights and contentions of parties are reserved.



9. The statutory deposit made by the appellants be refunded to the appellants by the Registry.

10. Appeal is allowed in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

JANUARY 07, 2022

rk

