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

+ **MAC.APP. 115/2024**

MONIKA BHATI & ORS.Appellants

Through: Counsel for Appellants.

versus

JABUDDIN KHAN & ORS.Respondents

Through: Counsel for Respondents.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

06.11.2024

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1. The Appeal under Section 173 of the *Motor Vehicle Act, 1988* has been filed on behalf of the Appellants/Claimants for enhancement of the compensation granted *vide* Order dated 18.11.2023.
2. The main grievance is that the Matriculation Certificate that was proved during the stage of evidence reflected that the Claimant had compartment in one Subject. Consequently, the learned Tribunal took the wages of the Claimants as that of a unskilled worker. However, after the Award was made, the Claimant has been able to find a Matriculation Certificate dated 07.06.1999 whereby the compartment had been cleared by the deceased and has been filed along with the Appeal.
3. A prayer is made that an opportunity be given to prove the Matriculation Certificate and the wages of the deceased, be accordingly rectified.
4. *Learned counsel on behalf of the Insurance Company*, submits that



there is no Application filed on behalf of the Appellant seeking leading of additional evidence or of placing the documents on record.

5. Considering that a document of Matriculation has been produced which is required to be proved in accordance with law, with an opportunity to the Insurance Company, to rebut this evidence, the Impugned Award is hereby set-aside on the aspect of calculation of compensation and is remanded back to the Tribunal, to give one opportunity to the parties for proving the Certificate and to recalculate the compensation amount.

6. The parties are directed to appear before the learned Tribunal on 18.11.2024.

7. The Appeal is accordingly disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 6, 2024/RS