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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 188/2022**
NAVNIT KUMAR SRIVASTAVA & ORS.

.....Appellant
Through: Mr. Jatinder Kamra, Advocate.

versus

SHAILENDER SINGH CHAUHAN & ORS.

.....Respondent
Through: Ms. Suman bagga & Virender
Prabhakar & Pankaj Gupta,
Advocates for respondent insurance
Co.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
21.10.2024

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1. An Appeal under Section 173 of Motor Vehicle Act, 1988 has been filed by the Appellant/claimant against the Order dated 02.04.2022 vide which the Claim Petition under Section 166 M.V. Act has been dismissed.
2. Learned counsel on behalf of the Appellant submits that the Claim Petition filed on behalf of the appellants/legal heirs of deceased Darshika Srivastava who along with her husband/petitioner No.1 Navneet Kumar Srivastava, was travelling in a Car bearing No.UP78 DR 2845, which met with an accident with a stationary truck bearing No.MP07GA 5655 abandoned on the road without the indicators, resulting in the death of Smt. Darshika Srivastava. The learned Tribunal observed in the impugned Order that only selected nine pages of the Chargesheet have been filed along with



the petition, while other material documents like Seizure Memo of the Truck, the MLC, the Mechanical Inspection Report and the Statements of the witnesses under Section 161 Cr.P.C cited in the Chargesheet, have not been placed on record.

3. It was also observed that the documents filed along with the Claim Petition, reflected that the deceased was not employed in Delhi and her Aadhar Card also had the address of U.P.

4. Observing that in many Motor Vehicle compensation Cases, foul play is the rule, suspecting the genuineness of the Claim, the same was dismissed with further direction that the copy be sent to Registrar, General, Delhi High Court for forwarding the same to SIT to be constituted at U.P. under the directions of Allahabad High Court for necessary inquiry.

5. **Submissions heard.**

6. From the perusal of the record and the impugned Order, it is evident that the Claim Petition has been dismissed at the outset without giving an opportunity to the Claimants either to place on record the relevant documents or to adduce evidence, in support of their assertions.

7. It is evident from the Employment Letter of the deceased that her place of work was Delhi. In the circumstances, the impugned Award is set aside and remanded back to the Tribunal to be decided afresh after giving opportunity to the parties to file their responses and to lead the evidence.

8. The parties are directed to appear before the learned Tribunal on 07.11.2024.

NEENA BANSAL KRISHNA, J

OCTOBER 21, 2024/va