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

+ MAC.APP. 152/2024, CM APPL. 14830/2024, CM APPL.  
29455/2024

SMT. PRIYA DUTT AND ANR

.....Appellant

Through: Mr.Abhishek Awasthi, Advocate.  
versus

SMT. RITU

.....Respondent

Through: Mr. Yogesh Swaroop, Advocate.

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+ MAC.APP. 162/2024, CM APPL. 16334/2024,  
CM APPL. 29454/2024

SMT. PRIYA DUTT AND ANR

.....Appellant

Through: Mr.Abhishek Awasthi, Advocate.  
versus

MS NISHTHA

.....Respondent

Through: Mr. Yogesh Swaroop, Advocate.

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+ MAC.APP. 163/2024, CM APPL. 16340/2024,  
CM APPL. 29447/2024

SMT. PRIYA DUTT AND ANR

.....Appellant

Through: Mr.Abhishek Awasthi, Advocate.  
versus

SH. RAVINDER KUMAR

.....Respondent

Through: Mr. Yogesh Swaroop, Advocate.



**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**02.12.2024**

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1. An Appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed by the Driver/Owner challenging the Award dated 26.09.2023 vide which the compensation has been granted to the Claimants/Respondents.
2. The sole ground on which the Appeal is challenged is that the counsel for the Appellant had incorrectly made a statement in the Court on 01.10.2022 that no evidence is to be led on behalf of the Appellant. It is submitted that was an incorrect statement made without instructions by the learned Counsel and a complaint of some kind was made in the Bar Council of Delhi, which had been returned because it was not made in the proper format. Thereafter, nothing has been done.
3. The learned counsel on behalf of the Appellant submits that the case be remanded back with an opportunity be given to the Appellants to adduce their evidence.
4. Learned counsel on behalf of the Respondent has vehemently contested the Appeal on the ground that there is overwhelming evidence proving not only the involvement of the offending vehicle but also rashness and negligence on the part of the Driver/Appellant No.1. there was not only an FIR that was registered, but a Chargesheet was also filed and the Driver is facing the criminal prosecution. The Claimants/injured had adduced evidence in support of their claim and were duly cross-examined by the Appellant. There is no ground to remand back the case for adducing of



evidence by the Respondent.

**5. Submissions heard.**

6. The only grievance of the Appellants is that they be given an opportunity to adduce their evidence, which was erroneously closed without instructions by their erstwhile counsel.

7. Though the ground on which the remand is sought, is not on firm foundation, but in the interest of justice, the impugned Award is set aside and remanded back with two opportunities to the appellants to adduce their evidence, subject to the condition of deposit of the entire compensation along with interest within one month.

8. Parties to appear in person before the learned Tribunal on the next date of hearing.

9. Since it is a seven years old matter, the learned Tribunal may make an endeavour to conclude the trial expeditiously.

10. List on 11.12.2024 before the learned Tribunal.

**NEENA BANSAL KRISHNA, J**

**DECEMBER 2, 2024/va**