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

+ **MAC.APP. 667/2024**

SH KHAJAN SINGH

.....Appellant

Through: Appearance not given.

versus

IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED

.....Respondent

Through: Ms. Khushi Sachdeva proxy counsel
for Mr. Pankaj Seth, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **19.12.2024**

CM APPL.74725/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CM APPL.74723/2024 (under Section 173(1) (Proviso) of the Motor Vehicle Act read with Section 151 CPC for Condonation of Delay of 9 days in filing the Appeal) and CM APPL.74724/2024 (under Section 151 CPC for Condonation of Delay of 2 days in re-filing the Appeal)

3. The two applications have been filed on behalf of the Appellant for Condonation of Delay in filing and re-filing the Appeal.
4. For the reasons stated in the Applications, the delay is condoned.
5. Both the Applications are disposed of accordingly.

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6. An Appeal under Section 173 of the Motor Vehicles Act, 1988 has



been filed by the injured/Appellant seeking enhancement of the compensation granted in the sum of Rs.3,92,474/- along with interest @8% per annum for the injuries suffered by him in a road accident on 19.02.2024.

7. Learned counsel for the Appellant submits that soon after the filing of the DAR, legal offer was made by the Insurance Company which was not accepted. Immediately thereafter the Award has been pronounced without given an opportunity to the Appellant to adduce evidence and also to prove his Permanent Disability which is yet to be assessed.

8. Learned counsel for the Insurance Company appeared through Video Conferencing and accepts Notice of the Appeal.

9. **Record perused.**

10. Considering the submissions made that the Appellant has not been given an opportunity to adduce evidence to prove the actual loss of income and also the Permanent Disability, the case is remanded back for considering if the compensation amount needs to be enhanced after giving opportunity to the Appellant as well as to the Respondent/Insurance Company.

11. The compensation amount already availed by the Appellant shall be adjusted in the final Award.

12. The parties are directed to appear before the learned Tribunal on 14.01.2025.

NEENA BANSAL KRISHNA, J

DECEMBER 19, 2024/va