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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 15819/2023 & CM APPL. 43360/2024

PUNEETA NANDANI

.....Petitioner

Through: Mr. S. Khan &
Mr. Vikasdeep Sharma,
Advs.

versus

INDU & ORS.

.....Respondents

Through: Mr. Pankaj Gupta, Adv.
for R1 & R2
Mr. A.K. Soni & Mr.
Pavan Kumar, Advs. for
R3
Mr. Vivek Kumar Tandon,
Ms. Mamta Tandon & Ms.
Purna Tandon, Advs. for
R5
Ms. Rinku Tiwary, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

12.02.2025

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1. The learned counsel for Respondent No. 1 submits that the petitioner was aware of the claim proceedings and has wrongly averred that she came to know about the passing of the award dated 11.12.2021, in the year 2023.
2. He submits that another claim petition was filed at the instance of the petitioner before the learned Tribunal at Sonipat in regard to the same accident and way back in the year 2021, it was brought to the notice of the learned Tribunal in Sonipat that another claim petition is pending before the learned Tribunal in Dwarka.
3. He submits that the petitioner before the learned Tribunal in Sonipat had made a statement that she will file an application under Order I Rule 10 of the Code of Civil Procedure, 1908, and had withdrawn the said claim petition.
4. He further contends that the petitioner, being aware of the



proceedings before the learned Tribunal in Delhi since the year 2021, cannot be allowed to challenge the award belatedly.

5. The petitioner along with the present petition has annexed a Marriage Certification which *prima facie* shows that at the time of the accident, she was legally wedded to the victim.

6. In such circumstances, the petitioner would also be entitled to the amount of compensation awarded for the death of the victim. Award was not passed on merits but on settlement between the insurance company and the parents of the victim.

7. The marriage of the petitioner is disputed by Respondent Nos. 1 and 2 who are the parents of the victim. The said aspect needs to be adjudicated.

8. In view of the above, the impugned award dated 11.02.2021 is set aside and the matter is remanded back to the concerned Motor Accidents Claim Tribunal for adjudication afresh.

9. It is pointed out that certain part of the compensation amount is lying deposited with the learned Tribunal which is to be disbursed in terms of the guidelines provided in the case of ***Rajesh Tyagi & Ors. v. Jaibir Singh & Ors. : 2021:DHC:1580.***

10. The learned Tribunal is directed not to disburse any further amount in favour of the claimants till the adjudication of the claim.

11. The parties are directed to appear before the learned Tribunal on 28.02.2025.

12. A copy of the order be sent to the Principal District and Sessions Judge for necessary compliance.

AMIT MAHAJAN, J

FEBRUARY 12, 2025 /“SS”