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

+ MAC.APP. 412/2017, CM APPL. 28991/2018,

CM APPL. 28995/2018

UNITED INDIA INSURANCE CO. LTD.

.....Appellant

Through: Mr. Pradeep Gaur and Ms. Sweta
Sinha, Advocates.

versus

JANKI & ORS.

.....Respondent

Through: Mr. B.M. Shukla, Advocate with R-1
in person.
Mr. Manoj Sharma and Mr. Kapil
Kaushik, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.04.2025

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1. An Appeal has been filed on behalf of the Insurance Company to challenge the Award dated 22.12.2016 on the aspect of quantum of compensation.
2. The learned Counsel on behalf of the Respondent No.4 Rajiv Gulati owner of the Offending Vehicle has filed cross-objections/reply wherein serious issues have been raised in regard to the identity of the Smt. Janki Devi who has claimed herself to be the wife of the deceased. It is submitted that the Voters' I Card that was produced in the Trial Court did not pertain to her, but was in the name of one Reeta Devi wife of Jadish Tanti. Even now the Voters' I Card has been produced by her before the Trial Court reflected the name of her husband as Kumar Tanti.



3. Today, the Respondent Smt. Janki Devi has appeared and produced her Voters' I Card and Aadhar Card, wherein the name of her husband is shown as Manoj Tanti. Copies of Voters' I Card and Aadhar Card of Smt. Janki Devi be taken on record. There are serious concerns raised about the identity of Smt. Janki Devi. Not only this, in paragraph 20 of the Petition it is mentioned that the deceased was survived by his wife, son and daughter. However, in the Court Smt. Janki Devi submitted that she had no children from this wedding. Furthermore, in her evidence it has come that the mother of the deceased used to reside with her, but mother was never made a party. Unfortunately, mother has died on 30.05.2017. Copy of her Death Certificate has been produced, which be taken on record.

4. Considering that the Insurance Company is challenging the quantum of compensation, while Respondent No.4 owner is questioning the identity of Smt. Janki Devi and also the number of legal heirs, the Appeal is partly allowed and is remanded back to the learned Tribunal to adjudicate upon the quantum of compensation and also establish the correct identity of Smt. Janki Devi.

5. The parties are also at liberty to agitate the recovery rights that have been conferred against Respondent No.1.

6. The impugned Order is partly set aside.

7. The parties to appear before the learned Tribunal on 07.05.2025.

8. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 21, 2025/va