(2012) 04 DEL CK 0415

Delhi High Court

Case No: MAC. APP. 172 of 2012

Satish Kumar		APPELLANT
	Vs	
Abdul Hamid and Others		RESPONDENT

Date of Decision: April 13, 2012

Acts Referred:

- Motor Vehicles Act, 1988 - Section 166

Citation: (2012) 04 DEL CK 0415

Hon'ble Judges: G.P. Mittal, J

Bench: Single Bench

Advocate: Manish Maini, for the Appellant; Pankaj Seth, Advocate for R-3, for the Respondent

Final Decision: Allowed

Judgement

G.P. Mittal, J.
Issue notice. Mr. Pankaj Seth accepts notice on behalf of Respondent No.3. There is no breach of the policy condition; therefore, service of other Respondents is dispensed with.

2. By impugned judgment a compensation of Rs. 1,33,195/- was awarded in favour of the Appellant for having suffered injuries in a motor accident on 11.09.2006.

3. The Petition was preferred u/s 166 of the Motor Vehicles Act. Strangely the Claims Tribunal held that though the involvement of the vehicle was proved and since it was a case of no fault liability "it was not essential to go into the question of negligence". It is well settled that in a Claim Petition u/s 166 of the Motor Vehicles Act the tortfeasor would be liable only if the accident took place because of his negligence or default. The impugned order, therefore, cannot be sustained; the same is accordingly set aside.

4. The case is remanded back to the Motor Accident Claims Tribunal for deciding the case in accordance with law. The Claims Tribunal shall be at liberty to reappraise the

evidence afresh even on the quantum of compensation. The Appeal is allowed in above terms. Parties are directed to appear before the Claims Tribunal on 14.05.2012. If the compensation has been withdrawn by the Appellant, it shall be deposited with the Claims Tribunal for refund to the Respondent/Insurance Company