

The New India Ass. Co. Ltd.

Appellants

Vs.

Sangeeta Vaid and Ors.

Respondent

Appeal against the order dated 14-01-2020

passed by Ms. Hemani Malhotra, Judge, MACT-02, West, Tis Hazari Courts, Delhi

in Pet. No. 76851/16

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of the order dt. 06-01-2021 passed by Hon'ble Mr. Justice Sanjeev Sachdeva of this Court in the above noted case.

Yours faithfully,

[Signature]
15/1/21

Admn. Officer (J) C-IV

For Registrar General

Note: Please ensure that the record is properly Digitized and Bookmarked soft Copy (CD) as per Indexed while transmitting the record to this Court.

**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE ROHINI
COURTS: DELHI**

Genl.I/N-W & N/Rohini/2021/.....725-31.....

Delhi, dated the 21/01/2021

Copy forwarded for information and necessary action/compliance to

1. All the Ld. Judicial Officers (P.O. MACT), North-West and North District, Rohini Courts, Delhi.
2. Personal office, Ld. Principal District & Sessions Judge, North-West and North District, Rohini Courts, Delhi.
3. The Dealing official, Computer Branch, Rohini Courts to upload the same on WEBSITE.
4. The Dealing official, R & I Branch, Rohini Courts to upload the same on LAYERS.

[Signature]
(Rakesh Kumar-IV)
Officer Incharge, General Branch
Rohini Courts Complex, Delhi.

10-05-2021

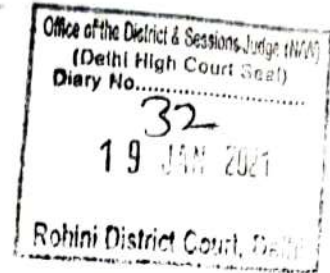
IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 1058-7

Dt. 19-1-21

From:-

The Registrar General,
Delhi High Court,
New Delhi.



To.

1. The Principal Distt. & Sessions Judge, (Headquarters), THC, Delhi
2. The Principal Distt. & Sessions Judge, West, Tis Hazari Courts, Delhi
3. The Principal Distt. & Sessions Judge, East, Karkardooma Courts, Delhi
4. The Principal Distt. & Sessions Judge, North-East, KKD Courts, Delhi
5. The Principal Distt. & Sessions Judge, Shahdara, Karkardooma Courts, Delhi
6. The Principal Distt. & Sessions Judge, North, Rohini Courts, Delhi
- ✓ 7. The Principal Distt. & Sessions Judge, West, Rohini Courts, Delhi
8. The Principal Distt. & Sessions Judge, S-W, Dwarka Courts, New Delhi
9. The Principal Distt. & Sessions Judge, South, Saket Courts, New Delhi
10. The Principal Distt. & Sessions Judge, South-East, Saket Courts, New Delhi
11. The Principal Distt. & Sessions Judge, New Delhi, PHC, New Delhi
12. The Principal Distt. & Sessions Judge- cum-Special Judge, Rouse Avenue, New Delhi
13. The Presiding Officer, MACT, Central, Tis Hazari Courts, Delhi
14. The Presiding Officer, MACT-02, Central, Tis Hazari Courts, Delhi
15. The Presiding Officer, MACT, West, Tis Hazari Courts, Delhi
16. The Presiding Officer, MACT-02, West, Tis Hazari Courts, Delhi
17. The Presiding Officer, MACT, Shahdara, KKD Courts, Delhi
18. The Presiding Officer, MACT, East Distt, KKD Courts, Delhi
19. The Presiding Officer, MACT, North-East, KKD Courts, Delhi
20. The Presiding Officer, MACT, North, Rohini Courts, Delhi
21. The Presiding Officer, MACT, North-West, Rohini Courts, Delhi
22. The Presiding Officer, MACT, South, Saket Courts, New Delhi
23. The PO, MACT, South-East, Saket Courts, New Delhi
24. The Presiding Officer, MACT, Dwarka Courts, New Delhi
25. The PO, MACT, (South-West & Airports) Dwarka Courts, New Delhi
26. The PO, MACT, New Delhi Distt., Patiala House Court, New Delhi
27. The PA to Registrar General, Delhi High Courts, New Delhi
28. The Registrar IT, Delhi High Courts, New Delhi
29. The Officer- in- Charge/AOJ of Portfolio Br., Delhi High Court, New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL APPELLATE JURISDICTION

MAC Appeal No. 10 OF 2020

In the Matter Of:

New India Assurance Co. Ltd.

....Appellant

Vs

Ms. Sangeeta Vaid & Ors.

....Respondents

APPEAL UNDER SECTION 173 OF THE
MOTOR VEHICLE ACT AGAINST
ORDER DATED 14.01.2020 PASSED
BY MS. HEMANI MALHOTRA, LD. P.O.,
MACT, TIS HAZARI COURTS, DELHI IN
CLAIM PETITION NO. 76851 OF 2016

Memo Of Parties

New India Assurance Co. Ltd.

Through authorized signatory

Scope Minar, Core - 3,

1st Floor, Laxmi Nagar,

District Centre, Delhi - 110092

....Appellant

Vs

1. Sangeeta Vaid W/o Late Sh. Raveesh Vaid
2. Ritvik S/o Late Sh. Raveesh Vaid
3. Master Satvik S/o Late Sh. Raveesh Vaid
4. Smt. Bimla Vaid Mother of Late Sh. Raveesh Vaid

All are resident of:

House No. B -1-A, 25-A,
Janak Puri, B -1,
West Delhi - 110058

5. Gurdeep Singh
S/o Gurdial Singh,
R/o Vill & PO Kalyan Sukha, Distt. Bathinda,
Punjab
(Driver)
6. Amandeep Singh
S/o Darshan Singh
R/o Vill & PO Kalyan Sukha Distt. Bathinda,
Punjab
(Registered Owner)

... Respondents

Through Counsel

AMIT MAHIAN

New Delhi

Dated: 09.09.20

\$~23

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 10/2021 & CM APPL. 270/2021

NEW INDIA ASSURANCE CO. LTD. Appellant

Through: Mr. Amit Kumar, Advocate.

versus

SANGEETA VAID & ORS. Respondents

Through: Mr. Somnath Parashar, Advocate for
R-1 to 4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

06.01.2021

%

1. The hearing was conducted through video conferencing.
2. Appellant impugns Award dated 14.01.2020 whereby the Motor Accidents Claims Tribunal has disposed of the Claim Petition filed under Sections 166 and 140 of the Motor Vehicles Act, 1988.
3. Claim Petition was filed consequent to a vehicular accident which had taken place on 23.03.2015 at 12.20 PM. The deceased Lieutenant Colonel Raveesh Vaid along with his family i.e. wife and two sons was travelling from Jodhpur to Bikaner in his Tavera car which was being driven by the deceased.
4. It is contended that when they reached in front of Baba Ramdev Hotel, near Bawdi Kasba, NH-65, the offending vehicle i.e. a truck

Signature valid

MAC.APP. 10/2021

Page 1

Digitally Signed By: NAI
MACAPP. 10/2021
Stamping Date: 06/01/2021 21:48:53
This file is digitally signed by PS
to HMT Sanjeev Sachdeva

came from the wrong side at a very high speed in a rash and negligent manner and hit the car of the deceased consequent to which the deceased sustained fatal injury whereas his wife and sons sustained injuries. The Truck was owned by respondent no.6 and was being driven by respondent no.5. The Truck was insured with the Appellant.

5. The Tribunal in the impugned judgment has noticed the statement of PW-1 Sangeeta Vaid, one of the claimants, who was also travelling with the deceased, wherein she has testified that the offending vehicle suddenly came from behind another truck which was coming from the opposite side and overtook that truck at high speed. Thereafter, the offending vehicle struck against the vehicle in which the claimants and the deceased were travelling.

6. The Tribunal has also referred to the Site Plan as well as Mechanical Inspection Report which indicated that the offending vehicle came from the opposite side, changed its lane and struck the vehicle of the claimants with forceful impact. Due to the impact the vehicle of the deceased lost its balance and struck against an electric pole situated adjacent to the road, whereas, the offending vehicle, due to its high speed, after striking against the vehicle of the deceased, fell 55 feet away from the road. The Site Plan and the Mechanical Inspection Report were not refuted by the Insurance Company or by the driver of the offending vehicle.

7. The Tribunal has returned a finding of negligence on the part of

Signature valid

Digitally Signed By: JONAL
MACGILL
Signing Date: 10/10/2021 21:48:51
This file is digitally signed by PS
in IIMJ Sanjeev Sachdeva

MAC.APP. 10/2021

Page 2

the driver and accordingly held in favour of the claimants and awarded the amount.

8. Learned counsel appearing for the appellant contends that the Tribunal has erred in not taking into account the fact that the family of the deceased has been awarded Special Family Pension because of the accident and accordingly erred in not adjusting the extra amount awarded over and above the pension amounts towards Special Family Pension. Learned counsel relies on the testimony of the Auditor from the office of the Principal Controller of Defence Accounts, who in his statement has stated that as per records an amount of Rs.33,375/- was sanctioned as first pension and thereafter the Rs. 40,050/- was sanctioned as Special Family Pension. He submits that the said differential amount of Rs.7,000/- per month awarded towards Special Family Pension is liable to be deducted from the compensation amount. Reliance is placed by learned counsel on the judgment of the Supreme Court in *Reliance General Insurance Company Vs. Shashi Sharma*, (2016) 9 SCC 627.

9. Learned counsel further contends that the Tribunal has erred in awarding a sum of Rs.2,00,000/- under the head "*Loss of Love and Affection*". Learned Counsel submits that no amount is awardable under the head "*Loss of Love and Affection*" in terms of the judgment of Supreme Court dated 30th June, 2020 in *United India Insurance Company Vs. Satinder Kaur @ Satwinder Kaur*, (Civil Appeal No. 2705/2020).

Signature valid


Digitally Signed by PS
MAC.APP. 10/2021
Signing Date: 01/06/2021 21:48:51
This file is digitally signed by PS
@PSU/Sangeet Sachdeva

MAC.APP. 10/2021

Page 3

10. Issue notice. Notice is accepted by learned counsel appearing for respondents no.1 to 4.

11. Learned counsel for the appellant submits that no relief is being sought against respondent Nos. 5 (driver of the Truck) and No. 6 (Owner of the Truck). Accordingly, no notice at this stage is being issued to respondent nos. 5 and 6.

12. Keeping in view of the above submissions, Appellant is directed to deposit the entire awarded amount with the Tribunal. Out of the said amount. The Tribunal shall retain an amount of Rs. 13,00,000/- (i.e. the approximate amount under challenge under the above two heads {Special Family Pension & Loss of Love and Affection}) and disburse the remaining amount in terms of its judgment dated 14.01.2020 and in the manner and proportion as directed in the said judgment. Remaining amount of Rs. 13,00,000/- shall be kept in an interest bearing fixed deposit, subject to further orders to be passed by this Court.

13. Digital copy of the Tribunal's Record be requisitioned.

14. List on 10.05.2021.

15. It is noticed that in most of the appeals filed before this court, the entire record of the Tribunal is not annexed, which leads to a deferment of the appeal for the purpose of the requisitioning of the record.

16. To facilitate early disposal of the Appeals, challenging the

Signature valid

Digitally Signed By: JINAL
MAGGU
Signing Date: 10/05/2021 21:48:53
This file is digitally signed by PS
to IIMJ Sanjeev Sachdeva.

MAC.APP. 10/2021

Page 4

awards passed by the Motor Accidents Claims Tribunals, it would be expedient if the digitised record of the Tribunal is made available to this Court at the time of the very first listing of the Appeal.

17. To ensure the same, following directions are issued:

- (i) As soon as the final judgment is delivered and the award is pronounced, particularly in a contested case, the Presiding Officers of the Motor Accident Claims Tribunals shall have the entire record digitised and transmitted to the High Court.
- (ii) The Presiding Officers shall endeavour to transmit the record preferably within two months of the decision.
- (iii) A monthly statement, of the Claim Petitions/Detailed Accident Reports finally disposed of in a month and the status of the digitisation and transmission of the record of the decided cases, shall be furnished by the Presiding Officers to the concerned District Judge.
- (iv) The record to be transmitted to the High Court shall be duly indexed/book-marked and shall at least indicate (a) the CIS/CNR number of the case, (b) Claim Petition number (c) Cause Title (d) name of the Insurance Company, if any, (e) date of the decision and (f) the concerned District.
- (v) On receipt of the digitised record, the IT Department of the High Court shall store the same in its server.
- (vi) Whenever an appeal is filed against an award, the Portfolio Branch of this court shall, at the time of listing of the appeal before the Court, include the digitised record in the portfolio.

18. Copy of this order be forwarded to the Registrar General of this Court, all the District Judges and the Presiding Officers of the Motor

Signature valid

Digitally Signed By: JUDGE
MAC.APP. 10/2021
Date: 2021.10.21 4:53
This file is digitally signed by PS
and MAC APP. 10/2021

MAC.APP. 10/2021

Page 5

Accidents Claims Tribunals, the Registrar IT and the In-charge of the Portfolio Branch of this Court for information/necessary action at their end.

19. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

Sd

SANJEEV SACHDEVA, J

JANUARY 6, 2021
ak

True
CA
6/1/21

