

36Misc DJ573/23
KISHAN PAL Vs. MOHIT KUMAR

19.02.2024.

Present: Sh. Manoj Goel, Ld. Counsel for petitioner.

R-1/Driver in person.

Sh. Mukesh, Dealing Asstt/DTC.

Sh. Brijesh Bagga, Ld. Counsel for insurance company.

Ld. Counsel for petitioner submits that the legal offer given by the insurance company is based on the assessment of income calculated on the basis of the last 04 ITRs of the deceased.

However, as per the latest judgment of the Hon'ble Delhi High Court in 'MAC appeal no. 120/22 titled Rajbala v. Krishan Kumar Sharma (DOD 11.07.2023)' only the latest ITR of the deceased/injured shall be taken for the assessment of income of the injured/deceased.

In view of the aforementioned judgment, Ld. Counsel for insurance company requests for some time to again take up the matter with the insurance company to consider the matter for settlement.

Written statement from R-2 has already being filed. Same is taken on record. Till date no reply has been filed on behalf of R-2 despite repeated opportunities hence, his opportunity to file reply stands closed.

Put up for settlement, if any / framing of issues on
20.05.2024.

(Sunena Sharma)
Judge / PO, MACT,
New Delhi/19.02.2024/ap