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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 773/2019, CM APPL. 40404/2019 & CM APPL. 40405/2019

MOHD HUSSAIN AZAD Appellant
versus

NIHAR RANJAN MOHANTY & ANR Respondents

+ MAC.APP. 774/2019, CM APPL. 40413/2019 & CM APPL. 40414/2019

MOHD. HUSSAIN AZAD Appellant
versus

DIBAKAR ROUT (SINCE DECEASED) THROUGH LRS & ANR.
..... Respondents

Through: Mr. Ojusya Joshi and Mr. A.K. Panwar, Advocates for appellant.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **11.09.2019**

The award of compensation dated 29.05.2019 passed by the learned MACT in MACP No. 1507/16 that put the onus of payment upon the appellant, is impugned on the ground that it has erred on the facts on the record, because the Mechanical Inspection Report of the appellant's allegedly offending vehicle, shows that there was no dent on the front side of the motor vehicle. If, as alleged by the claimants, their motor-cycle had been hit by the appellant's motor-car from the rear side, then logically, there ought to have been some dent on the bumper or fender of the offending vehicle, but no such scratch or telltale sign was noted in the Mechanical Inspection Report.



Therefore, logically the appellant's vehicle was not involved in the accident. Furthermore, he refers to the MLC registered on the date of the accident, which clearly records a positive smell of alcohol from breath of the injured victim/claimant. He submits that it has been the appellant's case that there is no involvement of his vehicle in an accident, but the same was on account of rash and negligent driving i.e. in a drunken stupor by the injured himself and this ought to have been taken into consideration in the impugned award.

Issue notice through ordinary process, Speed Post, approved courier, WhatsApp, E-mail, *dasti*, through counsel as well, returnable on 10.10.2019.

In the interim, LCR be requisitioned, digitized and made available before the next date.

NAJMI WAZIRI, J

SEPTEMBER 11, 2019

RW