



2026.DHC.2895

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

+ **MAC.APP. 84/2022**

SOUTH DELHI MUNICIPAL CORPORATION Appellant

Through: Mr. Siddhant Nath, Standing counsel,
SDMC.

versus

MAHENDER YADAV & ANR. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

24.03.2022

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CM APPL.14469/2022 (exemption)

Exemption is allowed subject to all just exceptions.

MAC.APP.84/2022 & CM APPL. 14468/2022 & 14470/2022

1. Appellant impugns judgment dated 26.06.2020 whereby the detailed accident report has been disposed of and compensation awarded to respondent No.1.
2. Learned counsel for the appellant *inter-alia* contends that there is a major discrepancy in the age of the claimant. He submits that the Tribunal has also noticed that there are conflicting statements by the claimant himself about his age. He submits that the Tribunal has itself noticed that with passage of time the appellant seems to be growing younger in age.
3. He further points out that even before this Court in his affidavit there is a misstatement about his exact age for the reason that in his appeal that



the appellant has filed i.e. MAC.APP.248/2021 in the memo of appeal he states that on the date of the accident his age was 45 years. He submits that the accident took place in the year 2014, however, in the affidavit in support of the petition filed in 2021 he states that he is 48 years of age. He submits that with the passage of 8 years he has only allegedly grown three years and the same discrepancy is noticed by the Tribunal.

4. He submits that even though the Tribunal has noticed that the claimant had produced his PAN card which showed his date of birth as 01.01.1960 which would have made him 54 years on the date of the accident, however, the multiplier taken by the Trial Court is for a person aged 45 years.

5. Issue notice. Since respondent No.2 is the driver of the appellant and is only a proforma party, service of respondent No.2 is dispensed with.

6. Notice shall issue to respondent No.1 in addition through counsel appearing for respondent No.1 who had appeared for respondent No.1 before the Tribunal, returnable on 21.09.2022. List along MAC.APP.248/2021.

7. In the meantime, appellant shall deposit the entire awarded amount with the Tribunal, however, Tribunal shall disburse only 60% of the awarded amount as per the scheme of disbursal and the remaining amount shall be kept in an interest bearing fixed deposit.

SANJEEV SACHDEVA, J

MARCH 24, 2022
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