

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	23.04.2025		<p>A.O. NO. 220 of 2024</p> <p><u>Hon'ble Vivek Bharti Sharma, J.</u></p> <p>Mr. Amit Kapri, learned counsel for the appellant.</p> <p>2. This appeal is filed against the judgment and award dated 01.04.2024 passed by learned M.A.CT./District Judge, Pithoragarh in MACP No. 03 of 2023, whereby the learned Tribunal observed that the entire of payment of compensation amount to be paid by the Insurance Company to the claimants and shall be recovered along with interest by the Insurance Company from the owner of the vehicle (<i>appellant herein</i>).</p> <p>3. Learned counsel for the appellant would submit that the learned Tribunal wrongly imposed the compensation upon the appellant only on the basis of medical report of the driver that there is alcoholic smell in the breath of the appellant; that, the said medical report is not reliable as the opinion of alcoholic consumption has been made only on the basis of smell in breath and the same could have been proved in the blood test, which has not been done in the present case, therefore, the impugned award is unsustainable in the eyes of law.</p> <p>4. Issue notice to the respondents through ordinary process and registered post acknowledgment due as well as through e-mail and whatsapp, if available.</p> <p>5. Steps to be taken within four week.</p> <p>6. <i>List this case on 17.07.2025</i></p> <p>7. Till the next date of listing, the execution of the impugned judgment and award 01.04.2024 passed by learned M.A.CT./District Judge, Pithoragarh in MACP No. 03 of 2023 shall remain stayed subject to condition that the appellant shall deposit the 50% amount out of the total entire compensation amount along with interest before the concerned Tribunal within a period of four weeks from today.</p> <p style="text-align: right;">(Vivek Bharti Sharma, J.) 23.04.2025</p> <p>Mamta</p>

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