

Sanjeev Sharma vs.sanjay and Ors.

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Court : Delhi

Decided On : Dec-01-2017

Appellant : Sanjeev Sharma

Respondent : Sanjay and Ors.

Advocate for Pet/Ap. : Mr. Pankaj Seth

Judgement :

\$~R-617 IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

1. t December, 2017 + MAC. APPEAL No.1086/2012 and CM Nos.17271/2012, 17273/2012 SANJEEV SHARMA Through: Nemo. versus Appellant SANJAY AND ORS. ..Respondents Through: Mr. Pankaj Seth, Advocate for CORAM: HON'BLE MR. JUSTICE R.K.GAUBA R-3. JUDGMENT (ORAL) 1. The appellant was the claimant before the tribunal, in a motor accident claim case (Suit No.455/11) instituted on 24.09.2011, seeking compensation for the injuries suffered in a motor vehicular accident that took place on 14.08.2011. The tribunal, by judgment dated 20.04.2012, awarded Rs.2,53,378/- as compensation, fastening the liability on the third respondent (insurer) of the offending vehicle to pay, the said amount inclusive of Rs.1,45,900/- towards medical expenses, Rs.9,000/- for special diet and conveyance, Rs.23,478/- for loss of income and Rs.75,000/- under the head of pain and suffering.

2. The appeal was filed with the grievance that the award is deficient. MAC App. No.1086/2012 Page 1 of 2 3. The appeal was put in the list of Regulars vide order dated 26.02.2016 to come up on its own turn. When called out for hearing, there is no appearance for the appellant. The matter has been considered with the assistance of the counsel for the third respondent. Record has been perused.

4. The prime grievance in the appeal is that the income tax return (ITR) for the year 2010-2011 was wrongly ignored by the tribunal and, therefore, the income was under assessed.

5. On perusal of the record, it is found that the copy of the ITR submitted did not even bear any endorsement of its submission with the income tax department. The tribunal did not, therefore, consider it proper to proceed on its basis and rightly so.

6. The appeal is devoid of substance and is dismissed.

7. The pending application also stands disposed of. DECEMBER01 2017 vk R.K.GAUBA, J.

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