

2

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

% *Judgment delivered on: 29<sup>th</sup> November, 2013*

+ **MAC.A. No.992/2013**

HDFC ERGO GENERAL INSURANCE CO LTD. .... Appellant  
Represented by: Mr. Shrey Mehta and Mr.Sunil  
Kapoor, Advocate.

Versus

SMT MAMKAUR & ORS. .... Respondents  
Represented by: S.I. Kapil Kumar, P.S.  
Gokulpuri.

**CORAM:**  
**HON'BLE MR. JUSTICE SURESH KAIT**

**SURESH KAIT, J.**

**CM No.17374/2013(for delay)**

In view of the averments made in the application, the delay of 57 days in filing the instant appeal is condoned.

The application stands disposed of.

**MAC.APP. 992/2013**

1. The present appeal is preferred against the interim award dated 06.05.2013, whereby the learned Tribunal has awarded a sum of Rs.50,000/- under Section 140 of the Motor Vehicles Act, 1988.

2. Learned counsel appearing on behalf of the appellant/Insurance Company submits that respondent No.2 was not named in the FIR, therefore, he is not alleged driver of the alleged offending vehicle. In such eventuality, the learned Tribunal ought to have exonerated the appellant/Insurance Company from any liability, whereas it directed the appellant company to pay Rs.50,000/- as interim award.

3. For satisfaction of the Court, vide order dated 01.11.2013, IO of FIR No. 315/2011, P.S. Gokul Puri was directed to present in Court with the status report of the aforementioned case.

4. Pursuant thereto, S.I. Kapil Kumar, IO of the case mentioned above is present in the Court and submits that after investigation the chargesheet against respondent No. 2 is ready and the same shall be filed in the concerned criminal court.

5. As the interim award under Section 140 of the Motor Vehicles Act, 1988 is 'no fault liability', therefore, I do not find any discrepancy in the impugned order 06.05.2013 passed by the learned Tribunal.

6. Consequently, finding no merit in the instant appeal, the same is dismissed.

**CM No. 17373/2013 (for stay)**

With the dismissal of the appeal itself, this application has become *infructuous*. The same is accordingly dismissed.

**SURESH KAIT, J.**

**NOVEMBER 29, 2013/sb**