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

+ **MAC.APP. 699/2017**

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

..... Appellant

Through: Ms. Suman Bagga, Advocate

versus

NEELAM PROTHI & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.08.2017

CM APPL.28279/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

MAC.APP. 699/2017 and CM APPL.28278/2017 (stay)

The insurance company questions the computation of compensation and the award on the grounds that the deceased himself was guilty of negligence, the tribunal having mis-calculated the loss of dependency by entering the element of future prospects of increase against the fact that the deceased had worked only for five months and further error being non-deduction on account of income tax liability.

Issue notice to the first respondent only, on requisite steps being taken returnable on 14.03.2018, before the Joint Registrar for completion of service and pleadings.

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The appellant is directed to deposit the entire awarded amount with upto date interest @ 9% per annum with the Tribunal within 30 days of today. The Tribunal shall release, on proper application being made by the claimant in this regard, 25% of the awarded amount in favour of the claimant in terms of the directions in the impugned judgment/award, the balance to be kept in interest bearing account initially for a period of one year to be renewed from time to time thereafter till further orders from this Court. The deposit shall be made by way of separate instruments to facilitate the above arrangement to be put in position. Subject to the above directions being complied with, the execution of the award is stayed.

Trial court record be called for.

Copy of the order be given *dasti*

R.K.GAUBA, J.

AUGUST 08, 2017

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