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

+ **MAC.APP. 699/2017 & CM APPL. 20263/2022**

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

..... Appellant

Through: Mr.Pankaj Gupta, Advocate.

versus

NEELAM PROTHI & ANR

..... Respondent

Through: Mr. Anshuman Bal, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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27.04.2022

CM APPL. 20263/2022

The appeal has already been dismissed in default and CM APPL. 3799/2020 seeking restoration of the appeal as filed on behalf of the applicant/appellant is listed for the date 04.08.2022.

It is at this stage submitted on behalf of the respondent no.1 that the cross appeal in the matter bearing MAC APP.586/2018 is pending before Hon'ble Mr. Justice Manoj Kumar Ohri.

On behalf of the applicant/appellant of MAC.APP. 699/2017, it is submitted that both appeals be listed together. The matter is taken up today for consideration of CM APPL. 20263/2022 filed on behalf of the respondent no.1, vide which application the respondent no.1, the mother of the deceased has submitted to the effect that in terms of the order dated

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08.08.2017 of this Court whereby, 25% of the awarded amount in terms of the impugned judgment of the Tribunal was allowed to be released to the respondent no.1, a sum of Rs.2,500/- per month has been kept in the FDR which is being released to her monthly and that the amount of Rs.2,500/- per month is insufficient for the respondent no.1 to meet her expenses, taking into account the factum that her son has expired and so has her husband and that she needs a sum of Rs.40,000/- per month for making her monthly expenses with it having been submitted thus that the amount of Rs.40,000/- be released to the respondent no.1 from the FDRs lying in the State Bank of Indian, Rohini Courts, Delhi instead of Rs.2,500/- per month to meet her expenses and to this submission, there is no opposition on behalf of the non-applicant of this application i.e. the appellant submitting to the effect that to the extent of the amount allowed to be released in terms of order dated 08.08.2017 i.e. only qua the 25% of the awarded amount, the prayer may be allowed.

In view of the submissions that have been made in the application under consideration on behalf of the applicant, the Tribunal concerned is directed to release a sum of Rs.30,000/- per month to the respondent no.1 in place of the sum of Rs.2,500/- per month and the FDRs be prepared accordingly.

CM APPL. 20263/2022 is disposed of accordingly

Copy of this order be sent to the Tribunal concerned.

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In view of the submissions made on behalf of the appellant and on behalf of the respondent no.1, subject to the orders of the Hon'ble the Acting

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Chief Justice, the proceedings of the present matter i.e. MAC.APP. 699/2017 be placed along with the cross appeal i.e. MAC APP.586/2018 which is stated to be listed for the date 11.11.2022 before Hon'ble Mr.Justice Manoj Kumar Ohri before a Single Court.

The date 04.08.2022 stands cancelled.

ANU MALHOTRA, J

APRIL 27, 2022

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