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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 87/2023**
THE ORIENTAL INSURANCE CO. LTD Appellant
Through: Mr.S.P.Jain, Adv.

versus

SH. SATYA NARAYAN RAO & ANR Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **16.02.2023**

CM APPL. 7656/2023 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 7658/2023 -Delay 38 days. & CM APPL. 7659/2023 -Delay 30 days (RF).

3. These are applications filed by the appellant seeking condonation of 38 days delay in filing and 30 days of delay in re-filing the appeal.
4. For the reasons stated in the applications, the same are allowed and the delay of 38 days delay in filing and of 30 days in re-filing the appeal are condoned.
5. The applications stand disposed of.

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6. The present appeal preferred by the insurer under Section 173 of the Motor Vehicles Act seeks to assail the award dated 30.07.2022 passed by the learned Motor Accidents Claims Tribunal.
7. Learned counsel for the appellant submits that the learned Tribunal



has not only granted a highly exorbitant amount towards compensation, but has also erred in rejecting the appellant's prayer for grant of recovery rights against the owner and the driver of the offending vehicle.

8. Upon the appellant taking steps, issue notice to the respondents through all permissible modes.

9. List on 12.09.2023.

CM APPL. 7657/2023 -Stay.

10.This is an application preferred by the appellant seeking stay of the impugned award.

11.The application is disposed of by directing the appellant to deposit 75% of the awarded amount with the learned Tribunal within a period of six weeks, with a further direction to the learned Tribunal to release the same in favour of the claimant/respondent no.1 as per the disbursal scheme contained in the impugned award.

12.Subject to the appellant depositing the amount in terms of this order, the operation of the impugned award will remain stayed during the pendency of the appeal.

REKHA PALLI, J

FEBRUARY 16, 2023
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