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

+ **MAC.APP. 107/2023**

THE NEW INDIA ASSURANCE CO. LTD Appellant

Through: Mr.Chandrashekhar A Chakalabbi,
Mr.Anshul Rai, Mr.Vinayakam & Mr.Girish,
Advs.

versus

MS C MALSAWMSANGI @MAMI & ORS. Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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02.03.2023

CM APPL. 10168/2023

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

MAC.APP. 107/2023

3. The present appeal preferred by the insurer under Section 173 of the Motor Vehicles Act, 1988, seeks to assail the award dated 19.12.2022 passed by the learned Motor Accident Claim Tribunal.
4. Learned counsel for the appellant submits that the learned Tribunal has failed to appreciate that the vehicle in which the claimant was travelling was being driven at a speed of about 120 km/h by a person who was holding only a learner's driving licence.
5. Upon the appellant taking steps, issue notice to the respondents through all permissible modes.
6. List on 18.09.2023.



CM APPL. 10167/2023 (stay) in MAC.APP. 107/2023

7. This is an application filed by the appellant seeking stay of the impugned award.
8. Having heard the learned counsel for the appellant and perused the records, no ground is made out for staying the impugned order as far as it relates to the claimant namely C. Malsawmsangi @ Mami.
9. The application is, accordingly, disposed of by directing the appellant to deposit, within six weeks, the entire awarded amount with accrued interest thereon with the learned Tribunal with a further direction to the learned Tribunal to release the same in favour of the claimant as per the scheme of disbursal contained in the impugned award.

REKHA PALLI, J

MARCH 2, 2023

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