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

+ **MAC.APP. 64/2021**

**UNITED INDIA IPVT LTDNSURAANCE
CO.LTD.**

..... Appellant

Through Mr. Sankar N. Sinha, Advocate
(through video conferencing)
versus

SMT.NIRMALA DEVI

..... Respondent

Through Ms. Poonima Sharma, Advocate
(through video conferencing)

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

04.02.2021

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CM APPLN. 4201/2021 (Exemption)

Allowed, subject to all just exceptions.

MAC. APP. 64/2021 & CM APPLN. 4200/2021 (stay)

1. Appellant impugns order dated 17.09.2020 whereby the claim filed by the respondent no. 1 has been allowed and compensation awarded.
2. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 1. Since no relief has been claimed against respondent no. 2 and 3, service of respondent no. 2 and 3 is discharged.
3. Learned counsel for the appellant contends that as per the evidence, claimant has received salary during the period that she was

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undergoing treatment and was on medical leave. Learned counsel submits that the tribunal has erred in awarding compensation for loss of earning during the period of treatment. He further submits that as the claimant received payment from her employer for entire period, there is a double award towards loss of income.

4. List on 16.03.2021.

5. Appellant shall deposit the entire awarded amount with the Tribunal within a period of three weeks and out of the awarded amount and on deposit of the same, the Tribunal shall release the compensation amount less a sum of Rs. 76,144/-. Said sum of Rs. 76,144/- shall be kept in an interest-bearing fixed deposit.

6. Digital copy of the tribunal's record be requisitioned.

7. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 4, 2021

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