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

+ **MAC.APP. 68/2021**

UNITED INDIA INSURANCE CO. LTD. Appellant
Through: Mr. Pradeep Gaur, Advocate.

versus

SMT. LALUN & ORS. Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

% **ORDER**
09.02.2021

CM APPL.4461-62/2021 (exemption)

Exemption is allowed subject to all just exceptions.

MAC.APP. 68/2021 & CM APPL.4460/2021

1. The hearing was conducted through video conferencing.
2. Appellant impugns order dated 22.12.2020 whereby the claim petition filed by the respondent Nos.1 & 2 has been allowed and compensation awarded.
3. Learned counsel for the appellant contends that the Tribunal has erred in awarding non pecuniary damages equivalent to the pecuniary damages and non pecuniary damages should not have been more than Rs. 70,000/-.



4. Issue notice to the respondent Nos.1 & 2, returnable on 04.08.2021. Since respondent Nos.3 and 4 are the legal heirs of the driver and the owner of vehicle and no relief is claimed against them, service of respondent Nos.3 & 4 is accordingly discharged.
5. Learned counsel for the appellant further contends that the rate of interest awarded at 9% should not have been more than 6% which is the present prevailing fixed deposit rate of interest.
6. Appellant shall deposit the entire awarded amount with the Tribunal and out of the awarded amount, Tribunal shall disburse 60% of the amount in terms of the scheme of disbursement as per the impugned award. Tribunal while disbursing the amount shall take the interest at the rate of 6% per annum. Balance amount shall be kept in an interest bearing fixed deposit.
7. Digital Copy of the Tribunal's record be requisitioned.
8. 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 9, 2021

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