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

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**MAC.APP. 143/2023**

**THE ORIENTAL INSURANCE COMPANY LTD ..... Appellant**

Through: Mr.JDN Shahi, Adv.

versus

**SMT JASWANTI AND ORS**

..... Respondent

Through:

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**16.03.2023**

**CM APPL. 12602/2023 -Ex**

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

**MAC.APP. 143/2023**

3. The present appeal preferred by the insurer under Section 173 of the Motor Vehicle Act seeks to assail the award dated 09.01.2023 passed by the learned Motor Accidents Claims Tribunal.
4. Learned counsel for the appellant submits that even if the date of birth of the deceased was taken as 02.09.1958, he was more than 60 years of age on the date of the accident i.e. 30.10.2018 and, therefore, a multiplier of 7 ought to have been applied instead of 9, which has been applied by the learned Tribunal.
5. Upon the appellant taking steps, issue notice to the respondent nos.1 to 5 through all permissible modes.



6. Taking into account that no recovery rights have been granted under the impugned award, no notice is required to be issued to the respondent nos.6 & 7.
7. The LCR be requisitioned and digitised before the next date.
8. List on 05.10.2023.

**CM APPL. 12601/2023 -Stay.**

9. This is an application preferred by the appellant seeking stay of the impugned award.
10. The application stands 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 claimants as per the scheme of disbursement contained in the impugned award.
11. 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 present appeal.
12. The application stands disposed of.

**MARCH 16, 2023**  
**sr**

**REKHA PALLI, J**