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

+ **MAC.APP. 155/2023**

NATIONAL INSURANCE COMPANY LIMITED

..... Appellant
Through: Mr. Manoj Ranjan Sinha, Adv. with
Md. Asif, Adv.

versus

SMT. JAI WANTI AND OTHERS

..... Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
23.03.2023

CM APPL. 14201/2023 -Ex.

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

MAC.APP. 155/2023

3. The present appeal preferred by the insurer under Section 173 of the Motor Vehicles Act, 1988, seeks to assail the award dated 24.12.2022 passed by the learned MACT insofar as it relates to the quantum of compensation. Learned counsel for the appellant submits that the learned Tribunal has not properly appreciated the evidence which clearly showed that there was contributory negligence on the part of the deceased.



4. Upon the appellant taking steps, issue notice to the respondents nos. 1 to 3 through all permissible modes. Keeping in view that no right of recovery has been granted in favour of the appellant, no notice is required to be issued to respondent nos. 4 & 5.
5. List on 09.10.2023.
6. In the meanwhile, let the LCR be requisitioned and digitized before the next date.

CM APPL. 14200/2023 -Stay

7. This is an application preferred by the appellant seeking stay of the impugned award. Taking into account that the appellant is only assailing the quantum of compensation, the application is disposed of by directing the appellant to deposit 70% of the awarded amount with the learned Tribunal within six weeks with a further direction to the learned Tribunal to release the same in favour of respondent nos. 1 to 3 in terms of the disbursal scheme contained in the impugned award.
8. 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.
9. The application stands disposed of.

REKHA PALLI, J

MARCH 23, 2023
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