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

+ **MAC.APP. 128/2020 & CM APPL. 8730/2020**

THE NATIONAL INSURANCE CO LTD Appellant

Through: Mr. J.P.N. Shahi, Advocate.

versus

IRFAN & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **04.03.2020**

CM APPL. 8731/2020 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

MAC.APP. 128/2020 & CM APPL. 8730/2020

This appeal impugns the award of compensation dated 08.11.2019 passed by the learned MACT in MACT No. 92/19, inasmuch as the computation of the awarded amount is stated to be erroneous. It is submitted that while placing the reliance on the dicta of the Supreme Court in *Chetan Malhotra vs. Lala Ram*, 2016 SCC OnLine Del 2981, the non-pecuniary heads have been computed twice over. According to the appellant, roughly 1/3 rd of the awarded amount i.e. Rs. 15,73,800/- would need to be reduced.

In the circumstances, let the awarded amount, alongwith interest awarded thereon, be deposited before this Court within three weeks from the date of receipt of copy of this order, of which Rs. 11,00,000/- shall be released to the beneficiary(ies) of the Award i.e. the parents of the deceased.

The mother of the deceased shall be released an amount of Rs. 2,00,000/- directly into her savings bank account maintained in a bank near her place of residence of which Rs. 50,000/- per month will be allowed to be withdrawn therefrom on the basis of a withdrawal slip issued directly to her by the Manager of the bank. Cheques shall not be issued to her. The remaining amount shall be disbursed in terms of the scheme of disbursement specified therein.

Issue notice to the respondents by way of ordinary process, approved courier, Speed Post, WhatsApp, E- mail, *dasti* and through counsel as well, returnable before the Joint Registrar (Judicial) on 14.05.2020, for competition of service.

NAJMI WAZIRI, J

MARCH 04, 2020

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