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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 224/2023**

ORIENTAL INSURANCE CO. LTD.

..... Appellant

Through: Mr.Pankaj Seth with Mr.Yuvraj
Sharma, Mr.Ashish Arora, Advs.

versus

SEEMA AND ORS

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.05.2023**

CM APPL. 21666/2023 -Ex.

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

CM APPL. 21665/2023 -Delay 32 days.

3. This is an application seeking condonation of 32 days delay in filing the appeal.
4. For the reasons stated in the application, the same is allowed and the delay of 32 days in filing the appeal is condoned.
5. The application stands disposed of.

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6. The present appeal preferred by the insurer under Section 173 of the Motor Vehicles Act seeks to assail the award dated 21.11.2022 passed by the learned Motor Accidents Claims Tribunal.
7. Even though the appeal also raises a plea that the insured vehicle was not involved in the accident, after some arguments, learned counsel for the appellant submits that he does not press this ground. He,



however, submits that the monthly income of the deceased has been wrongly taken as Rs.20,018/- by the learned Tribunal and therefore, prays that compensation awarded by the learned Tribunal be suitably reduced.

8. Upon the appellant taking steps, issue notice to the respondents confined to the aspect of quantum of compensation through all permissible modes.
9. The TCR be requisitioned and digitised before the next date.
10. List on 13.10.2023.

CM APPL. 21664/2023 -Stay

11. This is an application preferred by the appellant seeking stay of the impugned award.
12. The application is disposed of by directing the appellant to deposit 70% 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 claimant as per the scheme of disbursal contained in the impugned award.
13. Subject to the appellant depositing the aforesaid amount within the time granted hereinabove, the operation of the impugned award will remain stayed during the pendency of the present appeal.

REKHA PALLI, J

MAY 1, 2023
sr