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

+ **MAC.APP. 220/2025**

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD

.....Appellant

Through: Mr. Sameer Nandwani and Mr. Satish
Kumar Arora, Advocates.

versus

SMT RESHMA & ORS.

.....Respondents

Through: Mr. Manish Maini and Ms. Aastha
Chauhan, Advocates for R-1 and 2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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02.04.2025

CM APPL. 19067/2025 [Exemption from filing certified copies]

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

MAC.APP. 220/2025 & CM APPL. 19066/2025 [Stay]

3. The present Appeal seeks to challenge an Award dated 04.01.2025 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, North District, Rohini Courts, Delhi [hereinafter referred to as "Impugned Award"] which directs that compensation in sum of Rs.22,13,000/- along with interest.
4. The deceased in the present case is a minor child who was 18 months old. The compensation has been awarded to the parents of the deceased.
5. Learned Counsel for the Appellant submits that the learned Trial



Court, by taking minimum wages of an unskilled person has wrongly awarded the compensation.

6. Learned Counsel for the Appellant submits that the learned Trial Court has wrongly relied upon the judgment passed by a Coordinate Bench of this Court in MAC.APP. 242/2024 captioned ***Royal Sundaram General Insurance Co. Ltd. v. Zeenat Khan & Ors.*** which is not applicable in the facts of the case.

7. Learned Counsel for the Respondent Nos.1 and 2 on the other hand submits that Impugned Order does not suffer from any infirmity. It is further contended that the Appellant had already in his written statement before the learned Trial Court offered a sum of Rs.4,70,000/- as compensation and that the undisputed amount at least, be released to the Respondent Nos.1 and 2.

8. Learned Counsel for the Appellant restricts his challenge in the present Appeal to the calculation of compensation alone.

9. On this limited aspect, issue Notice.

9.1 Learned Counsel for Respondent Nos.1 and 2 accepts Notice.

9.2 Learned Counsel for the parties submit that the service of Respondent No.3 be dispensed with.

10. Subject to the deposit of the entire decretal amount, inclusive of up-to-date interest, the execution of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is a default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

11. The amount of Rs.4,70,000/- along with up-to-date interest shall be released to Respondent Nos.1 and 2 in the proportion as is set out in the Impugned Award.



12. The Respondents are at liberty to file an appropriate Application for the release of the remaining amount.
13. Learned Counsel for the parties jointly submit that they shall attempt settling the matter in the Pre-Sitting Lok Adalat.
14. For this purpose, the parties shall appear before the Secretary, Delhi High Court Legal Services Committee on 16.04.2025 at 2:30 PM.
15. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.
16. List before Court on 10.10.2025.
17. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 2, 2025/pa

[Click here to check corrigendum, if any](#)