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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 270/2023**
TATA AIG GEN. INS. CO. LTD. Appellant
Through: Mr. S.P.Jain, Adv.

versus

SMT. NIDHI KAPOOR (WIFE OF DECEASED)
& ORS. Respondents
Through: Mr. Jatinder Kamra, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
22.05.2023

CM APPL. 27351/2023 -Ex.

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

CM APPL. 27353/2023 -Delay 21 days.

3. This is an application filed by the appellant seeking condonation of 21 days' delay in filing the appeal.
4. The application is, for the reasons stated therein, allowed and the delay of 21 days' in filing the appeal stands condoned.
5. The application stands disposed of.

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6. The present appeal under Section 173 of the Motor Vehicles Act, 1988 seeks to assail the award dated 20.03.2023 passed by the learned Motor Accidents Claims Tribunal.
7. The sole submission of the learned counsel for the appellant is that even though it was evident from the testimony of the claimant witness



itself that the accident took place on account of the collision of the Mahindra XUV car, in which the deceased was travelling, with a red car whose number was not before the learned Tribunal and the driver of which car was responsible for the accident, the learned Tribunal has fastened the entire liability on the appellant.

8. Upon the appellant taking steps, issue notice to the respondents through all permissible modes.
9. The TCR be requisitioned and digitized before the next date.
10. List on 06.10.2023.

CM APPL. 27352/2023 -Stay.

11. This is an application filed by appellant seeking stay of the impugned award.
12. The application is disposed of by directing the appellant to deposit, within a period of six weeks', 50% of the awarded amount with the learned Tribunal with a further direction to the learned Tribunal to release the same in favour of the claimants/respondents as per the scheme of disbursal contained in the impugned award.
13. 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 appeal.
14. The application stands disposed of in the aforesaid terms.

REKHA PALLI, J

MAY 22, 2023
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