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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAC.APP. 248/2025 & CM Appl. 22735/2025

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD

.....Appellant

Through: Ms. Niyati Jadaun, Adv.

versus

GULNAAZ & ORS.

.....Respondents

Through: Mr. Manoj Kumar Bhandari, Mr.
Rajeev Sood, Mr. Vishal Tiloriya,
Adv. for R-1 to 5.
Mr. Prince, Adv. for R-7.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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10.10.2025

1. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 impugning the order dated 21.01.2025 passed by the learned Presiding Officer, MACT, East District, Karkardooma Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the compensation amount in the sum of Rs. 16,54,000/- along with interest at the rate of 7.5% per annum has been awarded.
2. At the outset, learned Counsel for the Appellant submits that there is no challenge on the quantum awarded. However, it is contended that the identity of the driver is an issue.
3. Learned Counsel for the Appellant further submits that the documents sought to be rely upon could not be placed on record.
4. Learned Counsel for Respondent Nos. 1 to 5/Claimants, however, submits that he has obtained a copy of these documents. The physical copy



of the same has been handed across to the Court today. Let the same be placed on record along with an appropriate affidavit.

5. Learned Counsel for the Appellant submits that the accident resulted in the death of both the deceased as well as the driver of the motorcycle. However, the Appellant is raising a challenge on his identity.

6. Issue Notice. Learned Counsel for Respondent Nos. 1 to 5 and 7 accept Notice. On steps being taken, let Notice be issued to Respondent No. 6 *via* all modes. *Dasti* in addition. An affidavit of service be filed within two weeks.

7. Subject to the deposit of entire decretal amount inclusive of up-to-date interest within a period of 8 weeks, the operation of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

7.1 Upon deposit by the Appellant, 50% of the deposited amount inclusive of up to date interest shall be released to the Respondents/claimants in accordance with scheme, as is set out in the Impugned Award.

8. 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.

9. List before the concerned Registrar for completion of service on 12.12.2025.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

OCTOBER 10, 2025/r