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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 258/2025 & CM Appl.23719/2025**
CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD

.....Appellant

Through: Mr. Sameer Nandwani, Adv.

versus

SURESH KUMAR & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **23.04.2025**

CM Appl.23720/2025*[Exemption from filing certified/typed copies]*

1. Allowed, subject to the Appellant filing certified/typed copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

MAC.APP. 258/2025 & CM Appl.23719/2025*[Stay]*

3. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 impugning the award dated 28.01.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, MACT, North District, Rohini Courts, Delhi.
4. The challenge in the present Appeal that has been raised by the Appellant on two grounds. Firstly, on the aspect of contributory negligence and secondly, on the fact that the disability of Respondent No.1 was taken as 100% when in fact, admittedly, it was 89%.
5. Issue Notice. On steps being taken, let Notice be issued to the Respondent No. 1 via all modes. An affidavit of service be filed within a week.



5.1 Learned Counsel for the Appellant submits that given that the compensation amount has been directed to be paid only by the Appellant, service of Respondent Nos. 2 and 3 may be dispensed with in the present case.

6. Subject to the deposit of the entire decretal amount with the Registry of this Court inclusive of up to date interest within a period of six weeks, the enforcement 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.

6.1 The Respondent No.1 is at liberty to file an appropriate Application for the release of the amount deposited.

7. 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.

8. List before the concerned Registrar for completion of service on 20.08.2025.

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

TARA VITASTA GANJU, J

APRIL 23, 2025/r

Click here to check corrigendum, if any