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

+ **MAC.APP. 211/2024**

HDFC ERGO GENERAL INSURANCE CO LTD

..... Appellant

Through: Mr. A.K. Soni and Mr. Pavan
Kumar, Advs.

versus

SH AMOD KUMAR RAI & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **24.04.2024**

CM APPL. 23406/2024 (Ex.)

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

MAC.APP. 211/2024 and CM APPL. 23407/2024 (Stay)

3. The appellant/Insurance Company is assailing the impugned judgment-cum-award dated 25.01.2024 passed by the learned Presiding Officer, MACT, Patiala House Courts, New Delhi, primarily on the issue that the motor accident in question had occurred on 26.02.2016 at 3:30 PM, whereas evidently the insurance policy was issued on the same day at 19:19 hrs.
4. None appeared on behalf of the respondents, despite advance notice.
5. On perusal of the statement of R3W1, although it is evident that the insurance policy was issued at 19:19 hrs, it needs to be enquired as on what date and time the physical inspection of the vehicle was done and at what time was the payment was made by the insured for



availing the insurance policy and in what manner such payment was made. Although, 'funds transfer' has been indicated, no specific mode of electronic transfer of the funds is spelt out.

6. The issue raised by the learned counsel for the appellant requires deeper examination into the manner the insurance policy of the vehicle was contracted about. Hence, the operation of the impugned judgment-cum-award dated 25.01.2024 is hereby stayed, subject to the appellant/Insurance Company depositing the entire amount of compensation along with accrued interest with the learned Tribunal within four weeks from today.

7. The appellant insurance company is directed to place on the record the entire file with regard to the policy of insurance in question including details with regard to the measures about the physical inspection of the vehicle as also the mode of payment of insurance premium.

8. Let notice of the present appeal be issued to the respondents by all permissible modes including *via* approved courier as well.

9. Re-notify on 30.09.2024.

DHARMESH SHARMA, J.

APRIL 24, 2024

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