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

+ **MAC.APP. 642/2019 & CM APPL. 29227/2019**

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

..... Appellant

Through: Ms. Suman Bagga and Mr. Pankaj
Gupta, Advocates.

versus

NATRAJ HASRAT @ NITISH KUMAR CHAURASIA & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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03.07.2019

CM APPL. 29228/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed-off.

MAC.APP. 642/2019 & CM APPL. 29227/2019

The appellant impugns the awarded amount on the ground that the disability of 16% considered apropos the entire body is erroneous since the disability is only of the right lower limb. Therefore, it cannot be assumed that the same affects the earning capacity of the injured to the extent of 16%.

To a query put by the Court as to whether the disability to a performing theatre artist would affect his performance and/or his earning capacity, the learned counsel for the appellant seeks time to examine the records, if any objections/queries were raised in this regard during the cross-



examination of the claimant.

In the circumstances, let the awarded amount be deposited before the learned Tribunal alongwith interest accrued thereon, by 20.07.2019.

Upon deposit, except Rs. 1 lac, the entire amount shall be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

Issue notice through ordinary process, Speed Post, approved courier and *dasti*, through counsel as well, returnable on 23.10.2019.

A copy of this order be given *dasti* to the learned counsel for the appellant under the signature of the Court Master.

JULY 03, 2019

RW

NAJMI WAZIRI, J