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

+ MAC.APP. 264/2024

ORIENTAL INSURANCE CO LTD Appellant

Through: Mr.Pradeep Gaur, Mr.Amit
Gaur with Ms.Sweta Sinha,
Advocates.

versus

SMT MAMTA SAINGER AND ORS Respondents

Through: Mr.Pankaj Seth, Advocate for
R-5.

+ MAC.APP. 265/2024

ORIENTAL INSURANCE CO LTD Appellant

Through: Mr.Pradeep Gaur, Mr.Amit
Gaur with Ms.Sweta Sinha,
Advocates.

versus

SMT MAMTA SAINGER AND ORS Respondents

Through: Mr.Pankaj Seth, Advocate for
R-5.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **20.05.2024**

CM APPL. 30177/2024 in MAC.APP. 264/2024

CM APPL. 30180/2024 in MAC.APP. 265/2024

1. Allowed, subject to all just exceptions.

2. The applications stand disposed of.

CM APPL. 30178/2024 in MAC.APP. 264/2024

CM APPL. 30181/2024 in MAC.APP. 265/2024

1. These applications are filed seeking condonation of delay of
59 days in filing the appeals.



2. For the reasons mentioned in the applications, the delay is condoned and the applications are disposed of.

MAC.APP. 264/2024 & CM APPL. 30176/2024

MAC.APP. 265/2024 & CM APPL. 30179/2024

3. The appellant/insurance company is assailing the impugned judgment-cum-award dated 15.012.2023 passed by the learned Presiding Officer, MACT, South district, Saket Court, New Delhi.

4. Learned counsel for respondent No.5 is present on advance notice.

5. None of the other respondents are present on advance notice, in particular, the claimants.

6. Learned counsel for the appellant/insurance company has urged that although learned Tribunal in para (14) of the impugned judgment-cum-award observed that the insurance company has taken a defence that the registered owner did not possess a valid permit to ply a passenger vehicle on 04.09.2018, the insurance company has not been granted recovery rights as against the registered owner.

7. It is further pointed out that the learned Tribunal has awarded interest @ 9% per annum contrary to the ordinary norms of granting compensation on account of interest @ 6 to 7.5% per annum.

8. The issues raised require deeper examination.

9. Let notice of the appeals be issued to respondents No.1 to 4 by all permissible modes, returnable on 14.10.2024.

10. In the meanwhile, the appellant/insurance company shall deposit the entire amount of compensation with accrued interest @ 7.5% from the date of filing of the petition till deposit, within four weeks from today. Since recovery rights are sought by the appellant/insurance company against the registered owner and also the



driver, jointly and severally, on such deposit the amount of compensation with accrued interest shall be released to the claimants forthwith in terms of the directions passed by the learned Tribunal without prejudice.

DHARMESH SHARMA, J.

MAY 20, 2024
VLD