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

+ **MAC.APP. 313/2025 & CM APPL. 30198-30200/2025**

NEW INDIA ASSURANCE CO. LTD.

.....Appellant

Through: Mr. Aditya Kumar & Ms. Ilanath,
Advocates.

versus

KAVITA & ORS.

.....Respondents

Through: Mr. Pankaj Gupta, Advocate for R-1
to 5.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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19.05.2025

CM APPL. 30199/2025 [Exemption from filing certified copies]

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

CM APPL. 30200/2025 [Exemption from filing legible/certified copies]

3. Allowed, subject to the Appellant filing legible copies of the annexures within a period of three weeks.
4. The Application stands disposed of.

MAC.APP. 313/2025 & CM APPL. 30198/2025 [Stay]

5. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicle Act, 1988 impugning the judgment and award dated 03.03.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, MACT-01, Shahdara, Karkardooma Courts, Delhi. By the Impugned Award, compensation in the sum of

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Rs.66,64,000/- has been awarded along with interest at the rate of 7% per annum.

6. Learned Counsel for the Appellant, at the outset, submits that the challenge in the present Appeal is limited. It is submitted that the income of the deceased was Rs.3.56 lacs per annum, however, the learned Tribunal has awarded compensation by considering the income of the deceased at Rs.4.06 lacs.

6.1 Learned Counsel for Respondent Nos.1 to 5, who appears on advance service, submits that the award was passed on the basis of the Income Tax Returns and the evidence recorded before the learned Tribunal.

7. The matter requires further examination.

8. Issue Notice.

8.1 Learned Counsel for Respondent Nos.1 to 5 accepts Notice.

8.2 Learned Counsel for the parties submit that service to Respondent Nos.6 and 7 may be dispensed with.

9. Learned Counsel for the Appellant submits that a total compensation of Rs.58.6 lacs will be payable as per a revised calculation. He seeks to rely upon a document containing the calculation in this behalf, which has been handed over in Court today.

9.1 The Registry is directed to scan and upload the same, so that it remains embedded in the case file.

10. Subject to the deposit of entire decretal amount inclusive of up-to-date interest within a period of 6 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.

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10.1 Upon deposit by the Appellant, Rs.58.6 lacs shall be released to the Respondent Nos.1 to 5/Claimants in accordance with scheme, as is set out in the Impugned Award.

11. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and bookmarked in accordance with the rules of the High Court.

12. The parties seek and are granted time to file their respective written synopsis, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

12.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

13. List for hearing on 11.11.2025.

14. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 19, 2025/ ha

[Click here to check corrigendum, if any](#)