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

+ **MAC.APP. 316/2025 & CM APPL. 30284-30285/2025**

NATIONAL INSURANCE CO LTD

.....Appellant

Through: Mr. Manu Luv Shahalia, Advocate.

versus

SHIVANI JHA & ORS.

.....Respondents

Through:

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

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**19.05.2025**

**CM APPL. 30285/2025** *[Exemption from filing certified copies]*

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

**MAC.APP. 316/2025 & CM APPL. 30284/2025** *[Stay]*

3. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicle Act, 1988 [hereinafter referred to as the "MV Act"] impugning the judgment and award dated 13.02.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, MACT, Tis Hazari Courts, Delhi. By the Impugned Order, compensation in the sum of Rs.62,66,193/- has been awarded along with interest at the rate of 9% per annum.
4. Learned Counsel for the Appellant raises two grounds for challenge in the present Appeal. Firstly, that the accident happened in the year 2018,

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prior to the amendment of the MV Act, thus the recovery rights should have been granted by the learned Tribunal. Secondly, that the claim petition was filed in Delhi and the proof in regard to the claim petition was the ration card of the mother-in-law of the deceased (mother of the claimant) of the year 2005. Learned Counsel for the Appellant submits that Income Tax Returns filed by the deceased in the year 2015-16 clearly shows his address in Jharkhand and thus, the reliance on the ration card of the mother-in-law of the deceased to award compensation was not apposite.

5. Issue Notice. On steps being taken, let Notice be issued to the Respondents *via* all modes, *dasti* in addition. An affidavit of service be filed within two weeks.

6. 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.

7. Both parties are at liberty to file their short note of contentions in the matter, 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. 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.

8. List on 30.07.2025.

**TARA VITASTA GANJU, J**

**MAY 19, 2025/ ha**

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