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

+ **MAC.APP. 286/2024**

DEEPAK MANDAL

..... Appellant

Through: Mr.Pankaj Gupta, Advocate.

versus

THE NEW INDIA ASSURANCE CO. LTD AND OTHERS

..... Respondent

Through: Mr.J.P.N.Shahi, Advocate.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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29.05.2024

CM APPL. 32849/2024

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

CM APPL. 32848/2024

3. This application is filed seeking condonation of delay of 96 days in filing the appeal.
4. For the reasons stated in the application, the delay stands condoned.
5. The application is disposed of.

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6. The appellant has instituted this appeal under Section 173 of the Motor Vehicles Act, 1988 assailing the impugned judgment-cum-award dated 20.11.2023 passed by the learned Presiding Officer, MACT, Saket Courts, Delhi.



7. Learned counsel for the respondent No.1/Insurance Company is present on advance notice. Notice is accepted.

8. Learned counsel for appellant has urged that the learned Tribunal has not reckoned prospect of increase in future income of the claimant, and therefore, the amount of compensation towards loss of earning/functional disability has not been arrived at in a just and fair manner. It is also pointed out that the appellant has suffered 47% locomotive disability, which has not been properly assessed for the purpose of assessing the compensation under the head of “loss of earning/functional disability”.

9. The issues raised require consideration.

10. Notice upon respondents No.2 and 3, who are the driver and the registered owner of the offending vehicle respectively, is hereby dispensed with.

11. In the meanwhile, in order to explore the possibility of settlement, the parties shall appear before the learned Secretary, Delhi High Court Legal Services Committee (Pre Lok Adalat) on 09.07.2024 at 3.30 PM.

12. Digitized TCR be summoned before the next date of hearing.

13. Renotify on 18.10.2024.

DHARMESH SHARMA, J.

MAY 29, 2024
VLD