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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 360/2025**

SMT OMPATI & ORS.Appellants

Through: Mr. Ankur Mohan, Adv.

versus

SHRI RAMPAL & ORS.Respondents

Through: Mr. Akash Singh, Adv. for Ms.
Suman Bagga, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **29.05.2025**

CM Appl.34517/2025[Seeking condonation of delays in re-filing] & CM
Appl. 34516/2025[Seeking condonation of delay in filing]

1. The present Applications have been filed on behalf of the Appellants seeking condonation of delay of 88 days in re-filing and 541 days in filing the present Appeal.

2. Learned Counsel for the Appellant submits that although, the Appellants were advised to file an Appeal challenging the order dated 19.04.2023 passed by the learned Presiding Officer, MACT, North West District, Rohini Courts, Delhi, due to paucity of funds, they could not file an Appeal within the stipulated time. He further submits that the Appellants took some time to arrange the funds and after borrowing money, only then they filed the Appeal and thus, there was a delay in filing the Appeal.

2.1 Learned Counsel for the Appellants further, on instructions, submits that the Appellants are willing to forego any interest in the event of enhancement of the amount is granted by this Court for the period of 629



days of delay being the 88 days in re-filing and 541 days in filing the present Appeal.

2.2 The statement of the learned Counsel for the Appellants is taken on record. The Appellants are bound down by the statement made by their Counsel.

3. Issue Notice. Learned Counsel for Respondent No. 3/Insurance Company (who is the only contesting party) accepts Notice and submits that he would have no objection if the delay is condoned, subject to a direction that the Insurance Company will not be saddled with 629 days of interest for this period of delay in filing this Appeal.

4. The delay in filing and re-filing is accordingly condoned with a direction that the Appellants will not claim any interest for the period of 629 days of delay. The Applications stand disposed of.

CM Appl.34515/2025[Exemption from filing typed copies]

5. Allowed, subject to the Appellants filing typed copies of the annexures within a period of three weeks.

6. The Application stands disposed of.

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7. The present Appeal has been filed under Section 173 of the Motor Vehicle Act, 1988 [hereinafter referred to as “MV Act”] impugning the order/judgment dated 19.04.2023 passed by the learned Presiding Officer, MACT, North West District, Rohini Courts, Delhi [hereinafter referred to as “Impugned Order”]. By the Impugned Order, the learned Tribunal has awarded an amount in the sum of Rs. 16,89,991/- along with interest at the rate of 7% per annum.

8. The only challenge raised by the Appellants in the present Appeal is



to the amount of compensation awarded.

9. Learned Counsel for the Appellants submits that in terms of the salary slip, the deceased was receiving salary in the sum of Rs. 29,819/- per month and that the salary slip is on record. He further submits that, however, the learned Tribunal has wrongly calculated the salary as being Rs. 24130/- per month approximately.

10. Issue Notice. Learned Counsel for Respondent No. 3 accepts Notice.

10.1 Learned Counsel for the parties submit that service to Respondent Nos. 1 and 2 shall be dispensed with.

11. Learned Counsel for Respondent No. 3 submits that entire decretal amount has already been deposited before the learned Tribunal.

12. Learned Counsel for the parties jointly submit that the challenge in the present Appeal is only to the compensation amount and state that they shall attempt settling the matter in the Pre-Sitting Lok Adalat.

13. For this purpose, the parties shall appear before the Secretary, Delhi High Court Legal Services Committee on 30.05.2025 at 2:30 PM.

14. List before Court on 03.11.2025.

15. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 29, 2025/r

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