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

\+ MAC.APP. 363/2025

RELIANCE GENERAL INSURANCE CO. LTD. .....Appellant
Through: Mr. Himanshu Raj, Advocate.

versus

SHANTI DEVI AND ORS .....Respondents
Through: Mr. Md. Bilal, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% **04.12.2025**

CM APPL. 76628/2025 (*for early hearing*)

This is an application for early hearing of CM APPL. 57176/2025.

For the reasons stated in the application, and with the consent of Mr. Himanshu Raj, learned counsel for the appellant – Insurance Company, the application is allowed.

The application stands disposed of.

CM APPL. 57176/2025 is taken up for hearing.

CM APPL. 57176/2025 (*for release of amount*)

1. Notice was issued in this application on 17.09.2025, and time was granted to the Insurance Company to file a reply. No reply has been filed to this application.

2. The present application is for release of the awarded amount in favour of respondent No. 1 – claimant. The amount has already been deposited in Court pursuant to an order dated 29.05.2025. The order also granted liberty to the claimant to file an application for withdrawal of the

amount.

3. While issuing notice in the captioned appeal, the Court limited the challenge to two contentions, recorded as follows:

> *"4. Learned Counsel for the Appellant raises two challenges in the present Appeal. Firstly, it is submitted that the insurance policy that was taken by the insured was limited to the extent of Rs. 1,00,000/- cap on the payment qua a pillion rider. Learned Counsel for the Appellant submits that although the cap existed in the policy, the learned Tribunal has held that the cap is unjustified and thus awarded amounts in addition to the cap. Secondly, it is contended that the minimum wages have been taken as on the date of the award instead of the date of the accident, as is requisite in law, which has not been done in the present case.*
>
> *5. Issue Notice, limited to these two contentions. On steps being taken, let Notice be issued to the Respondents via all modes. An affidavit of service be filed within a week."*

4. As far as the first contention is concerned, the limitation would, in my view, imply that the Insurance Company is liable to the extent of Rs.1,00,000/-, and that the balance amount would be recoverable from the owner/driver of the insured vehicle. It does not affect the entitlement of the claimant to the amount awarded. The second contention, however, affects the quantum of compensation.

5. Having regard to this position, for the present, the Registry is directed to release 60% of the awarded amount, alongwith accrued interest, to the claimant, in terms of the directions contained in the impugned award.

6. The application is disposed of in the above terms.

PRATEEK JALAN, J

DECEMBER 4, 2025
'Bhupi/KA'/