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

+ **MAC.APP. 293/2022**

THE ORIENTAL INSURANCE COMPANY LTD

..... Appellant

Through: Mr. J.P.N.Shahi, Advocate and Ms.
J.Jiran, Advocate.

versus

RAJ KUMARI AND ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

O R D E R

% **19.09.2022**

CM APPL. 41280/2022 (exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CM APPL. 41281/2022 (delay of 52 days)

For the reasons stated in the application, delay of 52 days in filing the appeal is condoned.

The application stands disposed of.

MAC.APP. 293/2022 and CM APPL. 41279/2022 (stay)

The appellant has preferred the present appeal under Section 173 of MV Act against the impugned Award/judgment dated 28.04.2022 passed by the learned Presiding Officer, MACT (South West) Dwarka Courts, Delhi in MACT No.11 /2016.



It is submitted by the counsel for the appellant that learned Tribunal has failed to appreciate that the deceased was responsible for the accident as the insured vehicle was hit from behind, and there was no negligence on the part of the driver of the insured vehicle. It is further submitted that learned Tribunal has failed to appreciate that the insured vehicle was not having fitness certificate at the time of the accident, and the deceased was bachelor at the time of accident, and while granting the compensation, learned Tribunal has failed to place reliance upon the judgment in the case of ***Sarla Verma Vs. DTC, 2009 ACJ 1298; (2009) 6 SCC 121.***

Issue notice to the respondents by all permissible modes on the appellant taking the necessary steps, returnable on 7th February, 2023.

Subject to deposit of the entire awarded amount along with interest with the Tribunal within a period of four weeks from today the impugned Award shall remain stayed.

Dasti.

RAJNISH BHATNAGAR, J

SEPTEMBER 19, 2022/ib