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

+ **MAC.APP. 313/2024 & CM APPLs. 36454-56/2024**

SPRINGDALES SCHOOL

.....Appellant

Through: Mr. Prabhat Kumar and Mr. Ranjeet
Kumar, Advocates.

versus

SH. MAHESH & ORS.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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02.08.2024

1. The instant appeal has been filed against the impugned award dated 8th November, 2023, passed by the learned Tribunal in MACT No. 258 of 2017.

2. Learned counsel appearing for the appellant submitted that the matter was listed on 11th July, 2024 and when this Court had issued notice to the respondents, no stay/interim order was granted on that date. It is further submitted that notice was served upon respondent No.3 and service proof has already been filed vide Diary No.E-2709407/2024, but the same is not on record. He submitted that the Registry may be directed to place it on record before the next date of hearing. Learned counsel for the appellant submitted that a recovery certificate under Section 174 of the Motor Vehicles Act has already been issued to the appellant by the competent authority and proceedings are listed on 7th August, 2024 before the MACT for recovery and on 3rd July, 2024, the MACT has passed the following



order:-

“The SDM Delhi Catt. is required to proceed in accordance with law when it is mentioned in the report itself that there is no stay order from the Hon’ble High Court, concerned SDM is required to proceed ahead with the recovery to uphold the process of law and to give the report positively by next date of hearing by appear in person. Fresh RC be issued in this regard for effecting for recovery of sum of Rs.19,09,691/- towards the compensation in favour of DH/petitioner”.

3. Learned counsel appearing on behalf of the appellant submitted that since this Court has seized of the matter and after *prima facie* satisfaction has already issued notice, in the interest of justice, recovery proceedings may be stayed till the next date of hearing.

4. It is submitted that the appellant is liable to pay 50% of the compensation amount alongwith interest as awarded by the Tribunal and the liability to pay the remaining amount has been cast upon respondent No.3. Therefore, the learned counsel for petitioner on instructions submitted that petitioner shall be depositing 50% of the awarded amount for staying the proceedings of recovery before the Tribunal.

5. Heard learned counsel for the petitioner and perused the contents made in the petition as well the submissions made by learned counsel for appellant during arguments. I have also perused the order dated 15th July, 2024 passed by the MACT on the recovery certificate to recover the compensation amount as awarded. Since the matter has been kept for consideration, notice has already been issued to the respondents and as per the statement made by learned counsel for appellant that respondent No.3 has already been served and proof of service has been filed vide Diary No.



E-2709407/2024 and keeping in view the facts and circumstances of the case, this Court is inclined to grant interim stay, subject to deposition of Rs.10 lakhs before the Registrar General of this Court within three working days.

6. Subject to deposition of the aforesaid amount within three working days, the impugned award dated 8th November, 2023 as well as the order dated 03rd July, 2024 passed in the recovery proceedings and recovery certificate shall be kept in abeyance till the next date of hearing.

7. List on 21st November, 2024.

CHANDRA DHARI SINGH, J

AUGUST 2, 2024
NA/av

Click here to check corrigendum, if any