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

+ **MAC.APP. 329/2024**

NATIONAL INSURANCE CO. LTD.

.....Appellant

Through: Mr. Pradeep Gaur, Mr. Amit Gaur
and Ms. Sweta Sinha, Advocates
(Through VC)

versus

MITHLESH AND ORS

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **09.07.2024**

CM APPL. 37822/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

MAC.APP. 329/2024 & CM APPL. 37821/2024 (Stay)

1. The instant appeal has been filed on behalf of the appellant seeking the following reliefs:

“(a) To admit the appeal and summon the original records in MACT NO.412/19 titled as titled as MITHLESH & ORS. Vs RASHID & ORS. from the Court of SH. SHAILENDER MALIK, PO, MACT-02, SHAHDARA KARKARDOOMA COURTS, Delhi.

(b) To set aside the impugned final award dated 27.04.2024 passed by SH. SHAILENDER MALIK, PO, MACT-02, SHAHDARA, Delhi, in MACT NO. 412/19 titled as MITHLESH & ORS. Vs RASHID & ORS. by exonerating the appellant



insurance company to pay the amount of compensation as the involvement of the offending vehicle in the alleged accident was not established.

(c) To award costs of the appeal in favour of the Appellant and against the respondents; and

(d) To pass such other and further order/s as deemed fit and proper in the facts and circumstances of the present case.”

2. Heard.
3. Issue notice to respondents through all permissible modes on filing PF within one week.
4. This Court is of the considered view that the matter requires consideration. Subject to the appellant's deposition of compensation amount along with the interest from the date of the institution of the claim as per the impugned award dated 27th April, 2024 before the Registrar General of this Court within a period of four weeks, the operation of the impugned award shall remain stayed till the next date of hearing. The amount so deposited by the appellant shall be invested in an interest bearing FDR in an auto renewal mode.
5. List on 5th September, 2024 before Joint Registrar (Judicial) for completion of service and pleadings.

CHANDRA DHARI SINGH, J

JULY 9, 2024
gs/av

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