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

+ **MAC.APP. 329/2022**

RELIANCE GENERAL INSURANCE CO LTD Appellant

Through: Mr. A.K.Soni, Advocate (through
VC)

versus

DEEPA YADAV & ORS. Respondents

Through: Mr. S.N.Parashar, Advocate for R-1
to 5.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **19.10.2022**

CM APPL. 45561/2022 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

MAC.APP. 329/2022 & CM APPL. 45562/2022 (stay)

The appellant has preferred the present appeal under Section 173 of the Motor Vehicles Act against the Award dated 21.07.2022 passed by the Presiding Officer, MACT, East, Karkardooma Courts, Delhi in MACT No. 132/2017.

Issue notice. Counsel for the respondents no. 1 to 5/claimants appears on advance notice, and accepts notice.

Learned counsel for the appellant submitted that learned Tribunal has committed gross error in awarding compensation to the respondent nos. 1 to 5 in the total sum of Rs. 95,55,000/-. He further submitted that learned Tribunal has wrongly determined the income of the deceased without any



reliable documentary evidence and without deducting the permissible deductions like conveyance allowance in the sum of Rs.1600/- per month and other allowance in the sum of Rs.16,550/-, food allowance in the sum of Rs.910/- medical allowance in the sum of Rs.1250/- etc. being his personal expenses out of his gross salary as per the record on the file and settled proposition of law. He further submitted that interest of 8% is on the higher side, and it should have been 6%.

Learned counsel for the respondent nos. 1 to 5/claimants submitted that respondents no. 1 to 5 are the only necessary respondents, and no relief is claimed against the other respondents. He further submitted that no single penny has been released to the claimants.

Keeping in view the facts and circumstances of the case, and having heard the counsel for the parties, subject to deposit of the awarded amount along with interest within four weeks with the Tribunal, the impugned Award shall remain stayed. Thereafter, 40% of the deposited amount along with interest be released to the respondent nos.1 to 5 within two weeks as per the scheme of the Award.

Heard.

ADMIT.

List in due course in the category of '**Regular Matters**' as per the year of its seniority.

Dasti.

RAJNISH BHATNAGAR, J

OCTOBER 19, 2022/ib