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

+ **MAC.APP. 402/2025 & CM APPL. 38772/2025**

THE NEW INDIA ASSURANCE CO. LTD.Appellant
Through: Mr. Himanshu Bhushan, Ms. Shagun
Srivastava, Advs.

versus

VIVEK PANDEY AND ORSRespondent
Through:

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
17.09.2025

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1. The present Appeal has been filed on behalf of the Appellant under Section 173 of the Motor Vehicle Act, 1988 impugning the award dated 01.03.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, MACT-02, Central, Tis Hazari Courts, New Delhi. By the Impugned Award, compensation in the sum of Rs.37,58,385/- has been awarded along with interest at the rate of 9% per annum.

2. Learned Counsel for the Appellant restricts the challenge in the present Appeal on two grounds. Firstly, that the Respondent No.1/Claimant did not have a valid driving licence to drive the category of the vehicle which was being driven by him, and thus, he also contributed to the accident. In addition, it is contended that it was a vehicle of the Respondent No.1/Claimant which has caused the accident. However, the learned Tribunal did not ascertain any liability on the Respondent No.1/Claimant on



the aspect of contributory negligence.

3. Issue Notice limited to the aspect of contributory negligence. On steps being taken, let Notice be issued to the Respondents *via* all modes. An affidavit of service be filed within three weeks.
4. Subject to the deposit of entire decretal amount inclusive of up-to-date interest within a period of 6 weeks, the operation of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.
5. Upon deposit by the Appellant, 50% of the deposited amount inclusive of up to date interest shall be released to the Respondent No.1/Claimant in accordance with scheme, as is set out in the Impugned Award.
6. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.
7. List before the Registrar for completion of service on 21.11.2025.

TARA VITASTA GANJU, J

SEPTEMBER 17, 2025/ ha