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

+ **MAC.APP. 417/2025 & CM APPL. 39791/2025**

UNITED INDIA INSURANCE COMPANY LTD.....Appellant

Through: Mr. Pradeep Gaur, Advocate.

versus

RAM KUMAR AND ORSRespondents

Through: Ms. Roma Singh, Adv. for R-1.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

13.08.2025

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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 03.03.2025 [hereinafter referred to as "Impugned Award"] passed by the learned Presiding Officer, Judge, MACT-01, North District, Rohini Courts, Delhi. By the Impugned Award, compensation in the sum of Rs.28,90,725.6/- has been awarded along with interest at the rate of 9% per annum.

2. Learned Counsel for the Appellant submits that the challenge in the present Appeal is on two grounds. Firstly, that the insurance policy obtained by the Respondent No.3/owner was only with respect to the Tractor and not the Water Tanker that was attached which were involved in the accident.

2.1 Secondly, that the challenge is made on the aspect of contributory negligence of the deceased. Learned Counsel for the Appellant submits that it was a 'head-on' collusion and that the aspect of contributory negligence



has not been adequately dealt with.

3. Issue Notice.

3.1 Learned Counsel for Respondent No.1 accepts Notice.

3.2 On steps being taken, let Notice be issued to the Respondent Nos.2 to 4 *via* all modes, *dasti* in addition. An affidavit of service be filed within four 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, 75% of the deposited amount inclusive of up to date interest shall be released to the Respondent Nos.1 and 2/Claimants 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 concerned Registrar for completion of service on 10.11.2025.

8. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 13, 2025/ ha