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

+ **MAC.APP. 408/2024**

NEW INDIA ASSURANCE CO LTDAppellant

Through: Mr. Pankaj Seth, Advocate

versus

RAJENDRA SINGH AND ORSRespondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **06.08.2024**

CM APPL. 44576/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CM APPL. 44577/2024 (Delay in re-filing)

1. This application has been filed under Section 5 of Limitation Act, 1963 for condonation of delay in re-filing the instant appeal.
2. For the sufficient cause being shown in the application, the delay of 70 days in re-filing the appeal is condoned.
3. The application is disposed of.

MAC.APP. 408/2024 & CM APPL. 44575/2024 (Stay)

1. The instant appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed on behalf of appellant seeking the following relief:-

“It is, therefore, most respectfully prayed that the appeal of the appellant may please be allowed/accepted and the award dated



23.2.2024 read with order dated 6.3.2024 passed by Sh. Shailender Malik, Judge, MACT, Karkardooma Courts, Delhi, in MACT no. 855/2016, may please be set aside with costs.”

2. Heard and perused the record.
4. In regard to the prayer of the appellant with respect to the interim relief, this Court is of the view that the instant matter requires consideration and, *prima facie*, the balance of convenience lies in favour of the appellant.
6. Therefore, subject to the deposition of the entire compensation amount awarded by the learned Tribunal, alongwith interest @ 8% per annum from the date of filing of the claim petition, before the Registrar General of this Court within four weeks from today, the operation of the impugned award dated 23rd February, 2024 and order dated 6th March, 2024 shall be kept in abeyance 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.
6. On filing PF within a week, issue notice to the respondents through all permissible modes, returnable before the Joint Registrar (Judl.) on 17th September, 2024.

CHANDRA DHARI SINGH, J

AUGUST 6, 2024

Dy/aa

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