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

+ **MAC.APP. 410/2024**

IFFCO TOKIO GENERAL INSURANCE CO LTDAppellant

Through: Mr. Pankaj Seth, Advocate

versus

SMT SHILPA MALHOTRA AND ORSRespondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **06.08.2024**

CM APPL. 44596/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CM APPL. 44597/2024 (Delay in re-filing)

1. This is an application 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. 410/2024 & CM APPL. 44595/2024 (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



9.2.2024 passed by Shri Sachin Gupta, Judge, MACT, Tis Hazari courts, Delhi, in MACT Case no. 302/2021 may please be set aside with costs.”

2. Learned counsel appearing on behalf of appellant submitted that by way of the application bearing CM APPL. 44595/2024, the appellant seeks interim relief of stay on the operation of the impugned award dated 9th February, 2024. It is contended that serious prejudice would be caused to the appellant if the stay of the operation of the impugned award and order is not granted. On instructions, learned counsel for the appellant undertakes that the appellant shall deposit the entire compensation amount awarded by the learned Tribunal, along with the interest from the date of filing of the claim petition filed before the learned Tribunal, before the Registrar General of this Court, thereby, he prays for grant of interim relief of stay on the operation of the impugned award and order.

3. 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 @ 7% 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 9th February, 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/av

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