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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 298/2021**
SURESH KUMARAppellant

Through: Mr. Javed Ahmad and Ms.
Aakriti Aditya, Advs.

versus

THE ORIENTAL INSURANCE COMPANY LTD.
& ORS.Respondents

Through: Mr. Ravi Sabharwal, Adv.
for R-1.

+ **MAC.APP. 513/2024**
RAMESH CHANDAppellant

Through: Mr. Abdul Wahid, Mr.
Sarfaraz Khan and Mr.
Mirza Amit Maig, Advs.

versus

THE ORIENTAL INSURANCE CO LTD
& ORS.Respondents

Through: Mr. Ravi Sabharwal, Adv.
for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **12.02.2025**

**CM APPL. 58627/2024 (condonation of delay of 552 days in
filing the application for restoration of the present appeal) in
MAC.APP. 298/2021**

1. For the reasons mentioned in the application, the same is allowed and the delay in filing the application for restoration of the present appeal is condoned.

2. The application stands disposed of.

CM APPL. 58626/2024 in MAC.APP. 298/2021

1. The present application has been filed seeking recall of the order dated 27.02.2023 passed by this Court and restoration of the above-captioned appeal to its original number.

2. For the reasons mentioned in the application, the same is allowed and the above-captioned appeal (MAC.APP. 298/2021) is restored to its original number.



3. The application stands disposed of.

MAC.APP. 298/2021 & CM APPL. 41292/2021 (condonation of delay of 845 days in filing the present appeal), CM APPL. 41293/2021 (stay)

MAC.APP. 513/2024 & CM APPL. 56447/2024 (stay), CM APPL. 56448/2024 (condonation of delay of 2395 days in filing the present appeal)

4. The appellants are essentially aggrieved that no liability could have been fastened on them to pay compensation, only for the reason that no intimation of the transfer of insured vehicle was given to the Insurance Company. Though it is not disputed that the offending vehicle was insured.

5. The learned counsel for the appellants submits that the Insurance Company had not denied that the offending vehicle was in fact insured and the Insurance Company cannot shirk from the liability to pay the compensation to the third party.

6. It is pertinent to note that the present appeals have been filed with an inordinate delay. The impugned award was passed way back on 08.12.2017 and the present appeals have only been filed in the years 2021 and 2024 respectively.

7. On the appellants depositing 50% of the awarded amount within a period of six weeks from date, the recovery of the amount is stayed till the next date of hearing.

8. List on 17.07.2025.

9. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

FEBRUARY 12, 2025

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