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

+ **MAC.APP. 432/2024**

NATIONAL INSURANCE CO. LTDAppellant

Through: **Mr. Manoj R. Sinha, Advocate.**

versus

ASHA MISHRA & ORS.Respondent

Through: **Mr. S.N. Parashar, Advocate for R-1 to R-3.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **14.08.2024**

CM APPLs. 46590/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

MAC.APP. 432/2024 & CM APPL. 46589/2024 (stay)

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

“[a] admit the appeal and call for the original records of case MACT No. 187/2021 decided vide judgment and award dated 30.04.2024 passed by Shri Vijay Kumar Jha, Presiding Officer : Motor Accident Claims Tribunal-01, Shahdara, Karkardooma Courts, Delhi;

[b] quash and set aside the impugned judgment and award dated 30.04.2024 passed by Shri Vijay Kumar Jha , Presiding Officer: Motor Accident Claims Tribunal- 01, Shahdara, Karkardooma Courts, Delhi in MACT No. 187/2021;

[c] award cost of the appeal in favour of the appellant and



against the respondents;”

2. Learned counsel appearing on behalf of appellant submitted that by way of the application bearing CM APPL. 46590/2024, the appellant seeks interim relief of stay on the operation of the impugned award dated 30th April, 2024. It is contended that serious prejudice would be caused to the appellant if the stay of the operation of the impugned award 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 interest accrued 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.

3. Heard and perused the record.

4. Issue notice. Notice is accepted by learned counsel appearing for respondents No.1 to 3.

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 accrued interest 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 30th April, 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 respondent No.4 and 5 through all permissible modes, returnable before the Joint Registrar (Judl.) on 18th September, 2024.

CHANDRA DHARI SINGH, J

AUGUST 14, 2024
NA/av

Click here to check corrigendum, if any