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

+ **MAC.APP. 438/2024 & CM APPL. 47354/2024**

THE ORIENTAL INSURANCE CO. LTDAppellant

Through: Mr. J.P.N. Shahi, Advocate (through
VC).

versus

SH MANOHAR MAHTO AND ORSRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **20.08.2024**

CM APPL. 47355/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

MAC.APP. 438/2024 & CM APPL. 47354/2024 (Stay).

3. The instant appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed on behalf of the appellant/insurance company for challenging the judgment/award dated 27th April, 2024 passed by the learned Tribunal.
4. Learned counsel appearing on behalf of the appellant submitted that the learned Tribunal has failed to appreciate that the insurance company sent a notice under Order 12 Rule 8 CPC to the owner/respondent no. 2 of the offending vehicle to produce the valid and effective permit at the time of the accident but the same was not brought on record before the learned Tribunal and no reply/response was also given by the respondent no. 2.



5. Learned counsel appearing on behalf of the appellant further submitted that the learned Tribunal passed the impugned award without considering the submissions and contentions made by the learned counsel for the insurance company,

6. It is also submitted that he has no objection to deposit the compensation amount along with accrued interest as per the impugned award passed by the learned Tribunal and the same may be released in favour of the respondent no. 1.

7. Learned counsel appearing on behalf of appellant submitted that in the present matter, notice may be issued to the respondents no. 2 & 3 as contesting parties and the notice *qua* the other respondent may be dispensed with as he is not a contesting party.

8. Heard learned counsel appearing on behalf of the appellant, perused the documents on record as well as impugned award dated 27th April, 2024.

9. Learned counsel appearing on behalf of the appellant/insurance company fairly contested that the compensation amount along with accrued interest as per the impugned award may be released to the respondent no. 1.

10. This Court is the considered view that the matter requires consideration.

11. The appellant/insurance company is directed to deposit the entire compensation amount along with accrued interest from the date of the institution of the claim as per the impugned award before the Registrar General of this Court within a period of four weeks. The amount so deposited by the appellant shall be invested in an interest bearing FDR in an auto renewal mode.

12. After filing of an appropriate application for releasing the amount and



verification of the respondent no. 1, the Registrar General may release the said compensation amount to the respondent no. 1.

13. This Court is inclined to issue notice to the respondent nos. 2 & 3 as contesting party in the instant matter.

14. Issue notice to the respondent nos. 2 & 3 through all permissible modes on filing PF within one week.

15. List on 25th September, 2024 before Joint Registrar for completion of service and pleadings.

CHANDRA DHARI SINGH, J

AUGUST 20, 2024

rk/av

Click here to check corrigendum, if any