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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 557/2023**

UNITED INDIA INSURANCE CO. LTD. Appellant

Through: Mr. Pankaj Seth, Adv.

versus

BRAHAM MAHESH SHAKYA AND ORS..... Respondents

**Through: Mr. Manish Maini and Mr.
Dheeraj Jani, Mr. Subhavana,
Advs. for R-1**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **11.01.2024**

1. This hearing is being conducted through hybrid mode.

CM APPL. 65219/2023 (Ex.)

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

CM APPL. 65220/2023 (Delay of 17 days in filing the present appeal)

4. The present application is moved on behalf of the appellant seeking condonation of delay of 17 days in filing the present appeal.

5. Learned counsel for respondent No.1 is present on advance notice.

6. For the reasons stated in the application, the delay of 17 days in filing the present appeal is condoned

7. The application stands disposed of.



CM APPL. 65221/2023 (Addl. Evidence)

8. This application is moved on behalf of the appellant/Insurance Company to place on record certain additional evidence. Let copy of the same be supplied to learned counsel for respondent No.1.

9. Let reply be filed within four weeks from today.

MAC.APP. 557/2023 and CM APPL. 65218/2023 (Stay)

10. The appellant/Insurance Company is assailing the impugned judgement/award dated 26.07.2023 passed by the learned Presiding Officer, MACT-02, (West), Tis Hazari Courts, Delhi, whereby the respondent No.1/Claimant has been awarded total compensation of Rs. 12,36,565/- with the interest @ 7% p.a. from the date of filing of the Detailed Accident Report (DAR)/claim petition i.e. w.e.f. 26.08.2016 till payment.

11. Learned counsel for the appellant has alluded to paragraph (12) of findings recorded by learned MACT on Issue No. 1 and it is vehemently urged that no finding has been given by the learned MACT as to how and in what manner the driver of the offending vehicle was rash or negligent in causing the accident.

12. Further, issues are raised about recovery rights against respondent Nos. 2 and 3 for violation of policy/permit conditions.

13. Issue notice of the present appeal as well as the aforesaid two applications i.e. CM APPL. 65218/2023 and CM APPL. 65221/2023 to the respondent Nos. 2 and 3 by all permissible modes including via approved courier as well, subject to the appellant/Insurance Company depositing the entire amount of compensation with the interest with the concerned learned MACT within four weeks from today.



14. Also 70% of amount of compensation with interest in terms of the award may be released in favour of respondent no.1/claimant since he is now about 62 years old, without prejudice.

15. Matter be placed before the Joint Registrar for completion of service of respondent Nos. 2 and 3 and completion of pleadings on 12.03.2024.

DHARMESH SHARMA, J.

JANUARY 11, 2024

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