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

+ **MAC.APP. 453/2024**

THE NEW INDIA ASSURANCE CO. LTD.Appellant
Through: Mr. Himanshu Bhushan and Ms.
Shagun Srivastava, Advocates.

versus

MOHD. BASIR AND ORSRespondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **29.08.2024**

CM APPL. 49501/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAC.APP. 453/2024 & CM APPL. 49500/2024

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. Allow the appeal and set aside the award dated 21.05.2024 passed by the Hon'ble Court of Dr. Pankaj Shanna, Presiding Officer - MACT-02, Central, Tis Hazari Court, New Delhi ('Ld. MACT') in MACTNo. 426 of 2018 titled Mohd. Mustafa & Ors v. Amir & Ors.;”

2. Learned counsel appearing on behalf of the appellant submitted that by way of the application bearing CM APPL. 49500/2024, the appellant seeks interim relief of stay on the operation of the impugned award dated 21st May, 2024 passed by the learned Tribunal. It is submitted that serious prejudice would be caused to the appellant in case the stay on the operation of the impugned award is not granted. Learned counsel for the appellant, on



instructions, undertakes that the appellant shall deposit the entire compensation amount awarded by the learned Tribunal, alongwith the interest from the date of filing of the claim petition filed before the learned Tribunal, before the Registrar General of this Court. Hence, he prays for grant of interim relief of stay on the operation of the impugned award.

3. Heard learned counsel appearing on behalf of the appellant.

4. Learned counsel appearing on behalf of appellant submitted that in the present matter, notice may be issued to the respondent nos. 1 to 7 and the notice *qua* the other respondents may be dispensed with.

5. 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 the interest from the date of filing of the claim petition, before the Registrar General of this Court within six weeks from today, the operation of the impugned award dated 21st May, 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.

7. As prayed, notice *qua* the respondents nos. 8 and 9 is dispensed with.

8. On filing PF within a week, issue notice to respondent nos.1 to 7 through all permissible modes, returnable before the Joint Registrar (Judl.) on 7th October, 2024.

AUGUST 29, 2024
NA/ryp

CHANDRA DHARI SINGH, J
Click here to check corrigendum, if any