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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 516/2025 & CM Appl. 50855/2025**
THE ORIENTAL INSURANCE CO LTD.Appellant
Through: Mr. A.K. Soni, Adv.

versus

POORAN CHAND MEENA & ORS.Respondents
Through:

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **19.08.2025**

CM Appl. 50856/2025/Seeking condonation of delay in filing/

1. This is an Application filed on behalf of the Appellant seeking condonation of delay of 29 days in filing the present Appeal.
2. For the reasons as stated in the Application, the delay is condoned.
3. The Application stands disposed of.

CM Appl. 50854/2025/Exemption from filing certified copies/

4. Allowed, subject to just exceptions.
5. The Application stands disposed of.

MAC.APP. 516/2025 & CM Appl. 50855/2025/Stay/

6. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 impugning the award dated 28.03.2025 passed by the learned Presiding Officer, MACT, District South East, Saket Courts, New Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the compensation amount in the sum of Rs. 1,63,09,237/- along with interest at the rate of 9% per annum has been awarded.
7. Learned Counsel for the Appellant raises three grounds of challenge



in the present Appeal. Firstly, he submits that the statutory deductions while granting compensation were not made. It is the case of the Appellant that the allowances such as travel allowance/conveyance allowance which are part of the salary should have been deducted prior to calculating the salary of the Respondent No.1/Claimant. Secondly, it is contended that although future prospects were awarded, the income tax for calculation of annual income was not deducted for calculation of future prospects. Lastly, it is contended that after the date of the accident, Respondent No. 1 remained in service for a period of four years and continued to receive his salary, however, no deductions on this account were made at the time of awarding the compensation.

8. Issue Notice. Learned Counsel for the Appellant submits that service to Respondent Nos. 2 and 3 shall be dispensed with since there is no breach of insurance policy.

8.1 On steps being taken, let Notice be issued to Respondent No. 1 *via* all modes. An affidavit of service be filed within two weeks.

9. Subject to the deposit of the 75% of the awarded amount with the Registry of this Court inclusive of up to date interest within a period of six weeks, the enforcement of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

9.1 Upon deposit, let 50% of the amounts deposited inclusive of up to date interest be released in favour of Respondent No. 1/Claimant in terms of the scheme as set out in the Impugned Award.

10. The Registry is directed to place on record the digital copy of the



Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

11. List before the concerned Registrar for completion of service on 14.11.2025.
12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 19, 2025/r