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

+ **MAC.APP. 495/2024**

RELIANCE GENERAL INSURANCE CO LTDAppellant

Through: Mr.A.K.Soni, Advocate (Through
VC)

versus

NIHAR SAHOO & ORS.Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **17.09.2024**

CM APPL. 54302/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

MAC.APP. 495/2024 & CM APPL. 54303/2024 (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 relief:-

“It is, therefore, prayed that this Hon'ble Court may be pleased to set aside the impugned award dated 04.06.2024 passed by Sh.Shivaji Anand, PO: MACT (North West) Rohini Courts, Delhi in MACT Case No.450571/2016, Nihar Sahoo Vs. Babbam & Ors.”

2. Learned counsel appearing on behalf of the appellant submitted that vide order dated 4th June, 2024 (hereinafter referred to as “impugned award”), the learned Tribunal awarded the total compensation amount to the



tune of Rs.29,62,507/- alongwith interest @ 9% per annum in favour of the respondent No.1 to be paid by the appellant insurance company, which is illegal, unjust as well as contrary to the law and evidence on record.

3. It is submitted that the learned Tribunal committed a manifest error by awarding the compensation amount of Rs.16,57,394/- towards loss of future income without considering the very aspect that the respondent No. 1 is still employed with the same company, i.e. M/s. Shakti Consulting and Solutions Pvt. Ltd., where he was employed prior to the accident, and is now, drawing a monthly salary of Rs.22,200/-, which is more than what he was allegedly earning at the time of the accident. In support of his arguments, he has placed reliance upon judgment passed by the Hon'ble Supreme Court in the case of **Raj Kumar Vs. Ajay Kumar & Anr; (2011) 1 SCC 343**. Hence, it is submitted the learned Tribunal failed to appreciate the facts and circumstances of the case and the precedents of this Court as well as that of the Hon'ble Supreme Court. Thus, 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.

4. Learned counsel for the appellant, on instructions, undertakes that the appellant shall deposit the entire compensation amount in terms of the impugned award passed 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. Therefore, in view of the same, he prays for grant of interim relief of stay on the operation of the impugned award.

5. Heard learned counsel appearing on behalf of the appellant and perused the material placed on record including the impugned award dated



4th June, 2024.

6. 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.

7. 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 four weeks from today, the operation of the impugned award dated 4th June, 2024 passed by the learned Tribunal, 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.

8. On filing PF within a week, issue notice to the respondent No.1 through all permissible modes, returnable before the Joint Registrar (Judl.) on 28th October, 2024.

9. On oral request of learned counsel appearing on behalf of the appellant, notice to the remaining respondents is dispensed with.

CHANDRA DHARI SINGH, J

SEPTEMBER 17, 2024

Dy/sm

Click here to check corrigendum, if any