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

+ **MAC.APP. 508/2024**

THE ORIENTAL INSURANCE CO. LTDAppellant

Through: Appearance not given (Through VC)

versus

LATE SH. VINOD KUMAR THROUGH HIS LRS AND ANR

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **24.09.2024**

CM APPL. 56040/2024 (Exemption from filing certified/dim copies)

Exemption allowed subject to just exceptions.

The application stands disposed of.

MAC.APP. 508/2024 & CM APPL. 56039/2024 (Stay)

1. The instant appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed on behalf of the appellant against the judgment/award dated 5th July, 2024 passed by the learned Tribunal in MACT No. 235/2019.
2. Learned counsel appearing on behalf of the appellant submitted that the learned Tribunal, while awarding the compensation amount, has not properly considered the settled law for determining the compensation under the different heads and has awarded the excess compensation to the claimant.



3. Learned counsel appearing on behalf of the appellant submitted that since the compensation awarded by the learned Tribunal is contrary to the law as well as the settled facts of the case, the same is liable to be set aside or modified by this Court.

4. Learned counsel for the appellant undertakes, on instructions, that the appellant shall deposit the entire awarded compensation amount along with the accrued interest in terms of the directions of the learned Tribunal within four weeks. It is further submitted that since the impugned award is contrary to the law, the operation of the same may be kept in abeyance.

5. Learned counsel appearing on behalf of appellant submitted that in the present matter, notice may be issued to the respondents no. 1B and 1C and the notice *qua* the other respondents may be dispensed with.

6. Heard learned counsel appearing on behalf of the appellant and perused the contents of the instant appeal.

7. Issue notice of the appeal and the application of stay to respondents no. 1B and 1C through all permissible modes on filing PF within one week.

8. This Court is of the considered view that the matter requires consideration. Subject to the appellant depositing the entire compensation amount along with the interest from the date of the institution of the claim petition in terms of the impugned award before the Registrar General of this Court within a period of four weeks, the operation of the impugned award dated 5th July, 2024 shall remain stayed 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.

9. As prayed, notice *qua* the respondents other than respondents no. 1B and 1C shall be dispensed with.



10. List on 4th November, 2024 before Joint Registrar (Judicial).

SEPTEMBER 24, 2024
gs/ryp

CHANDRA DHARI SINGH, J

Click here to check corrigendum, if any