



2026:DHC:5198

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 509/2024 & CAV 478/2024**
ORIENTAL INSURANCE CO LTDAppellant
Through: Mr. Kanwar Kochhar, Advocate
versus
VINAY JAIN & ORS.Respondents
Through: Mr. Rajat Wadhwa, Mr. Honey Jain,
Mr. Ashish Batra, Mr. Gurpreet
Singh and Ms. Divya Kanwar,
Advocates for R-1

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **24.09.2024**

CM APPL. 56044/2024 (Exemption from filing certified/typed copies)

Exemption allowed subject to just exceptions.

The application stands disposed of.

MAC.APP. 509/2024 & CM APPL. 56043/2024 (Stay)

1. The instant appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed on behalf of the appellant seeking setting aside of the award dated 9th July, 2024 (hereinafter “the impugned award”) passed by the learned Tribunal in MACT No. 372/2022.
2. Learned counsel appearing on behalf of the appellant submitted that while passing the impugned award, the learned Tribunal has not considered the guidelines laid down in the case of **Keith Rowe v. Prashant Sagar, 2010 SCC OnLine Del 4686** and the ratio laid down in the case of **A. Manavalagan v. A. Krishnamurthy, 2004 SCC OnLine Kar 222**.
3. It is submitted that there are many omissions in the eyes of law which



2026:DHC:5198

have been committed by the learned Tribunal while awarding the compensation. It is submitted that the learned Tribunal has also not considered certain facts and the evidence on record while calculating and adjudicating the compensation.

4. Heard learned counsel appearing on behalf of the appellant and perused the record.

5. Issue notice of the appeal and the accompanying application of stay. Learned counsel for the respondent no. 1 appearing on advance notice accepted notice.

6. Issue notice of the appeal and the accompanying application of stay to respondents no. 2 and 3 through all permissible modes on filing PF within one week.

7. 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 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.

8. It is also directed that the respondents may file appropriate application for release of the amount thereafter.

9. List on 5th November, 2024 before Joint Registrar (Judicial).

CHANDRA DHARI SINGH, J

SEPTEMBER 24, 2024/gs/ryp

[Click here to check corrigendum, if any](#)