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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 564/2024, CM APPL. 63516/2024 (stay)**
THE ORIENTAL INSURANCE CO. LTD.Appellant
Through: Mr. Ravi Sabharwal, Advocate.

versus

IRAM WASIM & ORS.Respondents
Through: None

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
28.10.2024

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CM APPL.63517/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

MAC.APP. 564/2024

3. The Appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed on behalf of the appellant/Insurance Company, against the Award dated 02.08.2024 wherein it is stated that admittedly the employer had paid Rs.10,00,000/- to the legal heirs of the deceased, who had died in the accident. However, this Rs.10,00,000/- has not been adjusted while granting the compensation under the impugned Award.

4. Reliance has been placed on Noorjadi Khatoon & Anr. Vs. Pintu Yadav & Ors. (United India Insurance Co. Ltd.), MAC. APP. 458/2015, decided on 29.05.2015; Oriental Insurance Company Limited vs. Meena



Tuka Ram Jhadav, First Appeal No. 573/2013, decided on 19.12.2013, Helan C. Rebello Mrs.) & Ors. vs. Maharashtra State Road Transport Corporation and Anr., (1999) 1 SCC 90; Delhi Transport Corporation vs. Suraj Bhan & Anr., 2011 ACJ 2294; United India Insurance Co. Ltd. & Ors. vs. Patricia Jean Mahajan & Ors., (2002) 6 SCC 281; National Insurance Co. Ltd. R.K. Jain & Ors., MAC APP 346/2010, decided on 02.07.2012; Helen C. Rebello (Mrs.) & Ors. vs. Maharashtra State Road Transport Corporation and Anr., (1999) 1 SCC 90 and

5. In view of the submissions made, on filing of PF/RC by the appellant, Notice of the Appeal as well as the application be issued to the respondents, through ordinary post and electronic mode, returnable on 03.04.2025.
6. E-Trial Court Record be summoned for the above said date.
7. The services of the respondent Nos.4 and 5/driver and owner is dispensed with as no relief is sought against them.

NEENA BANSAL KRISHNA, J

OCTOBER 28, 2024/RS