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

+ **MAC.APP. 568/2024, CM APPL. 63952/2024**

UTTARAKHAND TRANSPORT CORPORATION

.....Appellant

Through: Mr. Preadeep Misra and Mr. Daleep
Dhyani, Advocates.

versus

**JITENDER ALIAS JITENDER KUMAR GOEL (INJURED) AND
ANR**

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.10.2024

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CM APPL. 63953/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. An Appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed against the Award dated 13.08.2024 by the Appellant which is challenged essentially on the following three grounds:

- (i) the age of the injured has been taken as 65 years and multiplier of 5 has been applied, however, in the MLC the age of the injured is mentioned as 68 years and, therefore, the multiplier has not been applied rightly;
- (ii) the wages of the skilled worker has been added to the annual income



of the injured as is assessed from the ITRs. There is no basis for adding the wages of the skilled worker in calculating the Loss of Income; and

(iii) the rate of interest granted is @ 8% per annum, is on the higher side.

4. Notice of the Appeal be served upon the respondents on taking steps by the Appellant, to be served upon the respondent on ordinary post and electronic mode, returnable for the next date of hearing.

5. Notice to driver/owner is dispensed with.

6. The Award amount be deposited by the Insurance Company within six weeks, thereafter the operation of Award may be stayed.

7. The E-TCR be summoned for the next date of hearing.

8. List on 23.12.2024.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2024/va