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

+ **MAC.APP. 687/2025**

NEW INDIA ASSURANCE CO. LTD.

.....Appellant

Through: Mr. Salil Paul and Mr. Sahil Paul,
Advocates

versus

KRISHNA & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **30.10.2025**

CM APPLs. 67376-77/2025 (Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

MAC.APP. 687/2025, CM APPL. 67374/2025 (condonation of delay in filing the appeal) & CM APPL. 67375/2025 (stay)

3. Issue notice. Notice be served upon the respondents through learned counsel appearing on their behalf before the Motor Accident Claims Tribunal ["Tribunal"].
4. The appellant – New India Assurance Co. Ltd. – assails the judgment of the Tribunal dated 14.07.2025, principally on the ground of contributory negligence on the part of the deceased, who was driving the vehicle following the offending vehicle. It is submitted that sufficient distance was not maintained, which led to the accident in question. Mr.

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Salil Paul, learned counsel on behalf of the appellant, *inter alia*, relies upon the decision of the Hon'ble Supreme Court reported in *Nishan Singh & Ors. v. Oriental Insurance Co. Ltd. & Ors.*, (2018) 6 SCC 765, to submit that the Tribunal ought to have reduced the amount of compensation on account of contributory negligence to the extent of 50%.

5. Subject to the appellant depositing the entire awarded amount, alongwith up-to-date interest, before the Tribunal within a period of six weeks from today, execution of the award shall remain stayed until the next date of hearing. However, the claimants (respondents No. 1 to 4) shall be entitled to withdraw 50% of the awarded amount for the present.

6. List on 24.03.2026.

PRATEEK JALAN, J

OCTOBER 30, 2025

Dy/JM/