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

+ **MAC.APP. 637/2024**

NATIONAL INSURANCE COMPANY LIMITEDAppellant

Through: Mr. Manoj Ranjan Sinha & Mr. Vishal
Agrawal, Advocates.

versus

ASHISH & ORS.

.....Respondents

Through: None.

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+ **MAC.APP. 638/2024**

NATIONAL INSURANCE CO LTDAppellant

Through: Mr. Manoj Ranjan Sinha & Mr. Vishal
Agrawal, Advocates.

versus

ROHIT & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **06.12.2024**

CM APPL. 71463/2024 (Exemption) in MAC.APP. 637/2024

CM APPL. 71465/2024 (Exemption) in MAC.APP. 638/2024

1. Allowed, subject to all just exceptions.

2. The Applications are disposed of.

MAC.APP. 637/2024 & CM APPL. 71462/2024 (Stay)

MAC.APP. 638/2024 & CM APPL. 71464/2024 (Stay)

3. The present Appeals under Section 173 of the Motor Vehicles Act, 1988 has been filed on behalf of the Appellant-Insurance Company challenging the Award dated 29.08.2024 *vide* which a compensation of Rs. 5,88,000/- along with interest @ 8% per annum in MAC.APP. 637/2024 and Rs. 6,36,000/- along with interest @ 8% per annum in MAC.APP. 638/2024 has been granted to the Respondents/Claimants on the grounds: -

(i) that though the compensation has been granted under Section 164 of the Motor Vehicles Act, 1988 as amended by Motor Vehicles (Amendment) Act, 2019 (32/2019) dated 09.08.2019 which corresponds the earlier Section 163A of the Motor Vehicles Act, 1988, as prescribed in death case due to accident, *the award in excess of Rs. 5,00,000/- is illegal and arbitrary;*



(ii) that the compensation awarded *over and above under the other heads/non-pecuniary heads* is beyond the scope of Section 164 of the Motor Vehicles Act, 1988; and

(iii) that the *interest so awarded has been duplicated*.

4. Learned counsel for the Appellant-Insurance Company has placed reliance on the decision in Iffco Tokio General Insurance Company Limited vs. Uma Devi and Others, 2023 SCC OnLine Del 3131.

5. Issue notice.

6. On taking steps, let notice be served upon the Respondents/Claimants through ordinary and electronic modes, returnable on 28.01.2025 before the Joint Registrar for completion of pleadings.

7. Since, no substantial relief has been sought against the driver and owner, their appearance is accordingly dispensed with.

8. The Appellant-Insurance Company is directed to deposit the compensation amount of Rs. 5,00,000/- along with upto date interest before the learned Claim Tribunal within four weeks, subject to which the Award is stayed.

9. In the interim, the Registry is directed to requisition e-Trial Court Record before the next date of hearing.

NEENA BANSAL KRISHNA, J

DECEMBER 6, 2024/S.Sharma