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

+ **MAC.APP. 673/2024**

THE NEW INDIA ASSURANCE CO. LTD.Appellant

Through: **Mr. Himanshu Bhushan &
Ms.Shagun Srivastava, Advocates**

Versus

ANITA & ORS.Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.12.2024**

CM APPL. 75791/2024

1. Allowed subject to all just exceptions.
2. The Application is disposed of.

MAC.APP. 673/2024 & CM APPL. 75790/2024 (stay)

3. The present Appeal under *Section 173 of the Motor Vehicles Act, 1988* has been filed on behalf of the Insurance Company challenging the quantum of compensation awarded in the sum of Rs.27,04,507/- vide impugned Award dated 19.09.2024 on account of demise of Sh. Chatar Singh in a road accident occurred on 20.11.2021.
4. The sole ground of challenge to the impugned Award is that the involvement of the alleged offending vehicle has not been established, as the car was parked on the left side of the road and thereafter, the



Claimants crossed the road when the vehicle was parked on the road and thus, there is contributory negligence on the part of the deceased.

5. Upon Appellant- Insurance Company taking steps, notice of the Appeal be issued to the respondents by all prescribed modes, returnable on 03.02.2025 before the Joint Registrar.

6. List before the Joint Registrar on 03.02.2025 for completion of service and pleadings.

7. The execution of the impugned award is hereby stayed subject to deposit of the entire compensation of the award amount along with up-to-date interest, within four weeks, which shall be kept in an interest bearing FDR, on an auto renewal mode, before the Registrar General of this Court.

8. Trial Court record be also requisitioned.

NEENA BANSAL KRISHNA, J

DECEMBER 23, 2024

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