



\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 76/2025, CM APPL. 5064/2025 & CM APPL. 5066/2025**

**THE EDELWEISS GENERAL INSURANCE
CO LTD**

.....Appellant

Through: Mr. Jagdish Chandra, Mr.
Amitesh Mishra & Mr.
Shubham Kumar Mishra,
Advocates.

versus

KAILASH & ORS. & ORS.

.....Respondents

Through:

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

ORDER
28.01.2025

%

MAC.APP. 76/2025

1. By way of the present appeal, the appellant/ The Edelweiss General Insurance Co Ltd challenges the award dated 04.05.2024 passed by the learned Motor Accident Claims Tribunal, Rohini Courts, Delhi, in MACT No.915/2022, essentially on two grounds:

- i. The calculation of the compensation is not proper since one of the claimants being son of the injured/victim was not a dependant and was gainfully employed at the time of the accident;
- ii. The deceased/victim was a retired government official, aged 67 years, receiving a pension which after his death was received by his wife and the said amount has not been adjusted while calculating the



compensation.

2. The learned counsel for the appellant submits that compensation has been calculated by assessing the income of the victim as the pension which was received by him, that is, sum of ₹32,000/- per month. He vehemently contends that the wife of the deceased is receiving a family pension @22,000/- per month and, therefore, awarding compensation by assessing additional income of ₹32,000/- would be unjust enrichment.

3. Issue notice.

4. Notice be served to respondents, returnable on 17.07.2025.

CM APPL. 5065/2025 (condonation of delay)

5. Even though, no worthy reasons have been mentioned for condoning the delay of 35 days in filing the appeal and 105 days in re-filing the appeal, in the interest of justice, the delay is condoned, subject to a payment of cost of ₹20,000/- to the respondent/claimant.

6. The application stands disposed of.

CM APPL. 5063/2025 (stay)

7. On the appellant depositing 50% of the compensation amount of the claim before the learned Registrar General of this Court within a period of four weeks, the operation of the impugned award shall remain stayed till the next date of hearing.

8. The amount so deposited by the appellant shall be kept in an interest-bearing FDR in an auto renewal mode.

9. List on 17.07.2025.

AMIT MAHAJAN, J

JANUARY 28, 2025

'Aman'