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

CNR No. DLHC011061952025

+ **MAC.APP. 816/2025**

THE ORIENTAL INSURANCE COMPANY LIMITED.....Appellant

Through: **Ms. Ravi Sabharwal & Ms. Prachi
Kushwaha, Advs.**

versus

KASHMIRI DEVI & ORS.Respondents

Through: **Mr. S.N. Parashar, Mr. Ritik Singh,
Advs.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **11.08.2026**

CM APPL. 52889/2026 (for release of the FDR of the R-2)

1. This application has been filed seeking release of the amount directed to be deposited by this Court *vide* order dated 23rd December 2025.
2. As per the impugned award dated 20th September 2025, compensation of Rs. 48,82,780/- along with interest at 9% per annum was awarded to the claimants in the following apportionment: -
 - i. 25% of the awarded amount to *Smt. Reena*, wife of the deceased;
 - ii. 25% of the awarded amount to the father of the deceased/applicant herein;
 - iii. 25% of the awarded amount to each of the two brothers of the deceased.
3. Out of each of the portions, 50% was to be kept in the form of monthly



fixed deposits, whereas 50% was directed to be released by the MACT.

4. On insurance company's appeal, notice was issued on 23rd December 2025, and the Court directed that 50% of the awarded amounts be released.

5. *Mr. S.N. Parashar* submits that 50% of the amount which had been directed to be released immediately by the Motor Accident Claims Tribunal (hereinafter, “**MACT**”) has already been received by the claimants. However, 50% of the 25% share which fell to the applicant's share and was directed to be kept in monthly fixed deposits is now being released through the successor FDRs.

6. The applicant is 70 years of age and suffering from throat cancer, and his treatment is going on, and he requires money for his chemo and radiation therapy. Medical documents in support thereof have been appended along with the application.

7. Subsequent to this Court's order of 23rd December 2025, a settlement agreement has been entered into between the claimants on 26th May 2026, with the facilitation of the *Delhi High Court Mediation and Conciliation Centre*. As per the said settlement, the father and each of the two brothers of the deceased have relinquished 5% of their respective shares in favour of *Reena*, the widow of the deceased. Accordingly, the apportionment now subsisting between the parties, in terms of the settlement, is as follows:

- (i) 40% in favour of respondent no. 7, i.e. *Reena*;
- (ii) 20% in favour of respondent no. 4;
- (iii) 20% in favour of respondent no. 5; and
- (iv) 20% in favour of respondent no. 6.

8. The applicant herein is respondent no. 4 in this appeal. Accordingly, the compensation awarded by the MACT is to be apportioned in terms of the



settlement between the parties.

9. The applicant is, therefore, entitled to 20% of the total compensation awarded by the MACT. Applicant is entitled to release of 50% of the applicant's 20% share, per order dated 23rd December 2025.

10. Since 50% of the earlier apportioned 25% has already been directed to be released pursuant to the order of this Court, the balance amount (calculated per para 9 above) be released to the applicant, respondent no. 4, by liquidating the requisite number of FDRs.

11. The application is disposed of on the above terms.

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12. List on 17th November 2026, the date already fixed.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 11, 2026/vs/bp