

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>AO No.218 of 2025 <u>Hon'ble Subhash Upadhyay, J.</u></p> <p>Mr. P.C. Maulekhi and Mr. Siddharth Jain, learned counsel for the appellant.</p> <p>2. This appeal is preferred against the judgment and award dated 01.04.2025 passed by the Motor Accident Claim Tribunal/ Additional District Judge, Khatima, District Udham Singh Nagar in MACP No.16 of 2023, "<i>Smt. Ushweshwati and Others Vs. Smt. Upasana & Others</i>" whereby the Tribunal awarded a sum of ₹5,25,000/- with interest @ 9% per annum as compensation to the claimants.</p> <p>3. Learned counsel for the appellant would submit that the judgment and award under appeal is ex facie arbitrary and not reasonable and also against the documentary evidence on record and law; that, the deceased was a pillion rider in the scooter in question and no premium was paid by the insured to the company to cover the risk of pillion rider, therefore, the insured is solely liable to pay the compensation to the claimants; that, the Claim Tribunal wrongly awarded interest on the amount of compensation, hence, the impugned judgment is liable to be set aside.</p> <p>4. Issue notices to the respondents through ordinary process and registered post acknowledgment due as well as through e-mail and whatsapp, if available.</p>

5. Steps to be taken within one week.
6. List this case on 08.08.2025 for hearing on admission.
7. The effect and operation of the impugned award dated 01.04.2025 passed by the Motor Accident Claim Tribunal / Additional District Judge, Khatima, District Udham Singh Nagar in MACP No.16 of 2023, "*Smt. Ushweshwati and Others Vs. Smt. Upasana and Others*" shall remain stayed, subject to deposit of entire awarded amount along with interest @ 9% per annum by the appellant with the Tribunal concerned within four weeks from today.
8. Stay Application (IA/1/2025) stands disposed of.

(Subhash Upadhyay,J.)
03.07.2025

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