
(2013) 09 DEL CK 0524
In the Delhi High Court
Case No : MAC. App. 631 of 2012

Bharti Axa General Insurance Co. Ltd. APPELLANT
Vs
Sahidan and Others RESPONDENT

Date of Decision : 17-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0524

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Suman Bagga, for the Appellant; Alamgir, for R1, for the Respondent

Final Decision : Partly Allowed

Judgement

Suresh Kait, J.—Instant appeal has been preferred against the award dated 09.05.2012 whereby Id. Tribunal has granted compensation for a sum of Rs. 8,61,232/- with interest @ 9% from the date of filing of DAR proceedings till the date of payment. Id. Counsel appearing on behalf of the appellant has fairly conceded that during the trial it was agreed by the counsels for the Insurance Company and the claimants that no evidence is required to be lead on behalf of the parties; and the case can be decided on the basis of verified DAR proceedings filed by the IO.

2. Therefore, she is not pressing other issues raised in the instant appeal, except the issue that Id. Tribunal has wrongly granted a sum of Rs. 21,000/- as Counsel's Fee as there is no provision in the Motor Vehicles Act, 1988.

3. The issue regarding Counsel's fee has been decided by this court in the case of ICICI Lombard General Insurance Co. Ltd. v. Kanti Devi & Ors. in MAC. A. 645/2012 decided on 30.07.2012. Therefore, in view of above noted judgment passed by this court, counsel's fee cannot be granted as the same is contrary to Motor Vehicles Act, 1988.

4. consequently, instant appeal is partially allowed.

5. I note pursuant to order dated 31.05.2012, the appellant has deposited the entire award amount (less counsel's fee). 50% of the award amount has already been released. Therefore, the balance compensation amount be released in favour of the respondents/claimants in terms of the order dated 09.05.2012 passed by the Id. Tribunal. Statutory amount be also released in favour of the appellant.

CM. NO. 10336/2012 (Stay)

With the disposal of the appeal itself, this application has become infructuous. The same is accordingly disposed of.