

(2013) 10 DEL CK 0020

In the Delhi High Court

Case No : Mac. App. No. 1065 of 2012

ICICI Lombard General Insurance Co. Ltd.

APPELLANT

Vs

Sobran Lal and Others

RESPONDENT

Date of Decision : 07-10-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A

Citation : (2013) 10 DEL CK 0020

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Suman Bagga, for the Appellant; Ajay Pal Singh, Advocate for Respondent Nos. 1 to 8, for the Respondent

Judgement

Suresh Kait, J.

CM No. 16986/2012 (for delay)

1. Vide the instant application, the applicant/appellant company is seeking condonation of delay of 118 days in filing the instant appeal. Learned counsel appearing on behalf of the respondent Nos. 1 to 8/claimant has no objection if this application is allowed.

2. Therefore, keeping in view the averments made in the application and the statement made by the learned counsel for the respondents/claimants, delay in filing the instant appeal is condoned.

3. The application stands disposed of.

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4. The present appeal has been preferred by the appellant/Insurance Company assailing the impugned award dated 15.02.2012, whereby the learned Tribunal has granted compensation for a sum of Rs. 6,16,000/- with interest at the rate of 9% per annum from the date of filing of the petition till realization.

5. Learned counsel appearing on behalf of the appellant/Insurance Company has argued that the claim petition was filed u/s 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as "MV Act"), however, the learned Tribunal has not strictly granted the compensation as prescribed in the Second Schedule appended to the MV Act.

6. Learned counsel appearing on behalf of the respondent Nos. 1 to 8/claimants has no objection if the compensation amount is granted strictly in accordance with the structured formula provided in the Second Schedule of the MV Act.

7. Keeping in view the facts of the case and the statement made by the learned counsel for the respondent Nos. 1 to 8/claimants, the compensation amount would be as under:-

8. Resultantly, the compensation amount is reduced to Rs. 1,24,494/- (Rs. 6,16,000- Rs. 4,91,500/-)

9. Vide order dated 27.09.2012, this Court stayed the execution of the impugned award subject to appellant's/Insurance Company's depositing a sum of Rs. 4,84,500/-. On deposit, the amount was released in favour of the respondents/claimants.

10. Appellant/Insurance Company is directed to deposit the balance amount and interest thereon @ 9% per annum with the Registrar General of this Court on the modified compensation, i.e. Rs. 4,91,500/- from the date of filing the claim petition till the deposit of Rs. 4,84,500/-.

11. On deposit, the Registrar is further directed to release the amount of compensation along with interest accrued thereon in favour of the respondents/claimants on taking necessary steps by them.

12. Statutory deposit of Rs. 25,000/- shall be released in favour of the appellant/Insurance Company. In view of the above, this appeal is partly allowed and stands disposed of.

CM No. 16894/2012 (for stay)

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