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

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Judgment delivered on: 23rd July, 2013

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MAC. APPEAL No. 841/2012

NATIONAL INSURANCE COMPANY LTD.

..... Appellant

Through: Ms. Shantha Devi Raman and
Mr. Sanjeet Ranjan, Advocates.

Versus

PARWANA & ORS.

..... Respondents

Through: Mr. S.N. Parashar, Advocate for
Respondent Nos. 1 to 4.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. The present appeal is directed against the impugned award dated 02.06.2012, whereby the learned Tribunal has granted Rs.85,000/- as counsel fee.
2. In addition to above, the learned Tribunal has passed stricture against Sh. R.P. Sharma, Deputy Manager of the appellant/Insurance Company.
3. As regards the issue of counsel fee is concerned, the same has been decided by this Court in the case of *ICICI Vs. Kanti Devi (2012) ILR 6 Delhi 711*. In view of the dictum of this court, there is no provision in

Motor Vehicles Act to grant counsel's fee, therefore, the Ld. Tribunal has no power to grant the same.

4. While deciding the issue No.2, it is recorded by the learned Tribunal that approach of the Insurance Company is different from the settled law, while proposing the legal offer. They do not include the future prospects.

5. Hence, on this issue, the learned Tribunal has recorded displeasure against the conduct of Sh.R.P.Sharma, Deputy Manager in CR Division of the appellant/Insurance Company.

6. However, the appellant/Insurance Company did not want to take any action against the said officer for the reason, while deciding the claim petition, the learned Tribunal also has not considered any amount towards future prospects.

7. Be that as it may, the award has been passed and the same has not been challenged by the respondents/claimants, it seems they are satisfied with the award.

The appellant has deposited the award amount (less Lawyer's fee) only. In view of the dictum in ***Kanti Devi (Supra)***, they need not deposit the Lawyer's fee. Accordingly, order on Lawyer's fee is set aside.

8. So far as the stricture passed against the aforesaid officer is concerned, I expunge the same and that will not come in career of the said officer.

9. In view of the above, the instant appeal is disposed of.

10. Pursuant to order dated 08.03.2013, the entire awarded amount along with up-to-date interest (less lawyer's fee) has been deposited with the Registrar General of this Court. On that date, 50% of the awarded amount was directed to be released in favour of the respondents/claimants.

11. Since the appeal has been disposed of, the Registrar General of this Court is directed to release the balance deposited amount with upto date interest in favour of the respondents/claimants in terms of the order dated 02.06.2012 passed by the learned Tribunal on taking steps by them.

12. Consequently, the statutory amount be also released in favour of the appellant/Insurance Company.

SURESH KAIT, J.

JULY 23, 2013

Sb/jg