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

+ **MAC.APP. 128/2009**

THE ORIENTAL INSURANCE CO.LTD. Appellant
Through: Mr. Pankaj Seth, Advocate

versus

SUSHMA TRIPATHI & ORS. Respondents
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
23.11.2016

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In this appeal, appellant-insurer challenges the impugned Award on the grounds, which have been already dealt with in the order of 2nd March, 2009 issuing notice of this appeal to respondents-claimants. Impugned Award grants compensation of ₹27,30,000/- which includes the interim Award.

As per order of 5th February, 2013, service is complete. On the last few dates of hearing, none has been appearing on behalf of respondents-claimants. In such a situation, there is no option except to decide this appeal in the absence of respondents-claimants.

Learned counsel for appellant submits that his submissions are already noted and dealt with in the order of 2nd March, 2009 which indicates that the compensation amount deserves to be reduced to ₹6,20,000/- only.

Upon hearing and on perusal of trial court's record and the order of

2nd March, 2009, I find that the submissions of appellant have been already dealt with in the order of 2nd March, 2009.

During the course of hearing, learned counsel for appellant had stated that he has nothing more to urge except that the order of 2nd March, 2009 can be made absolute and this appeal can be disposed of in terms thereof.

In view of the order of 2nd March, 2009, the impugned Award is modified to the extent of reducing the awarded amount from ₹27,30,000/- to ₹6,20,000/-. At this stage, learned counsel for appellant submits that the entire compensation as awarded by the learned Tribunal stands deposited with the learned Tribunal. If it is so, then the excess amount deposited be accordingly refunded to appellant-insurer alongwith the statutory deposit of ₹25,000/-.

While entertaining this appeal, a direction was issued to the learned Tribunal to release the amount of ₹6,20,000/- to respondents-claimants. If it is not so done, then learned Tribunal shall ensure that the amount of ₹6,20,000/- be released to respondents-claimants in the manner as indicated in order of 2nd March, 2009.

Trial court record be remitted back forthwith.

With aforesaid directions, this appeal is disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 23, 2016

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