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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 874/2012 & CM Nos.13865/2012, 11655/2013,
7113/2014

ICICI LOMBARD GEN INSURANCE CO LTD Appellant
Through: Mr. Suman Bagga and Mr. Pankaj
Gupta, Advs.

versus

MASTER SONU & ORS Respondents
Through: Mr. Navneet Goyal, Adv. for R-1
Mr. Jagdeep Kr. Sharma and Mr.
Gyanendra, Advs. for R-2 & 3

+ MAC.APP. 877/2012 & CM Nos.13912/2012, 11654/2013

ICICI LOMBARD GEN INSURANCE CO LTD Appellant
Through: Mr. Suman Bagga and Mr. Pankaj
Gupta, Advs.

versus

MASTER PURAN & ORS Respondents
Through: Mr. Navneet Goyal, Adv. for R-1
Mr. Jagdeep Kr. Sharma and Mr.
Gyanendra, Advs. for R-2 & 3

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **18.03.2016**

Though these two appeals were filed raising several contentions, at the hearing, the appellant insurance company (insurer) presses the same to question only the directions of the motor accident claims tribunal (tribunal) in similarly worded para 15 of the respective judgments in

MACP.No.772/10/07 and 773/10/07 preferred by the first respondents for injuries suffered by each of them in a motor vehicular accident that occurred on 11.08.2007 involving motor vehicle described as DL 1SQ 4252 admittedly insured with it against third party risk for the period in question. While granting compensation to the first respondent, the tribunal directed ₹30,000/- to be paid as lawyer's fee and ₹5,000/- to be paid as out of pocket expenses to the counsel representing the claimant. The said directions being wholly unjustified are set aside.

In both these appeals, 50% of the awarded amount was ordered to be deposited with UCO Bank, Delhi High Court branch. By identical orders passed on 14.08.2012, the said amounts were directed to be kept in FDR for the period specified. By subsequent orders in the two appeals, passed on 06.11.2002 and 23.11.2012, it was noted that the entire awarded amount had already been realized by attachment by the tribunal. The tribunal was directed not to release the same to the claimant. The tribunal shall now release the compensation, thus realised, to the respective claimants in terms of the impugned award.

The counsel's fee and out of pocket expenses, if attached, however, shall be refunded to the insurance company. The registry is also directed to refund the statutory deposits, if made.

Both appeals with all pending applications are disposed of with these observations.



R.K.GAUBA, J

MARCH 18, 2016
VLD