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

% **Date of Decision: 14th September, 2016**

+ MAC.APP. 639/2016 & CM 29668/2016

ICICI LOMBARD GENERAL INSURANCE CO LTD..... Appellant
Through: Mr. Sandeep Jha, Adv.

versus

NADEEM AHMED AND ORS Respondents
Through: Ms.Seema, Mr. Harish Kumar
Sharma, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the interim award dated 6th May, 2016 whereby the Claims Tribunal has directed the appellant to deposit Rs.10 lakhs subject to final outcome of the proceedings.
2. Learned counsel for the appellant submits that Section 140 of the Motor Vehicles Act empowers the Claims Tribunal to award Rs.25,000/- in respect of permanent disablement. It is further submitted that respondent no.1 did not furnish the disability certificate before the Claims Tribunal.
3. Respondent no.1 is present in Court along with his counsel on a wheel chair and he submits that he has suffered 92% permanent disability and the disability certificate has been proved before the Claims Tribunal as Ex.PW-3/A, after passing of the interim award, on 28th July, 2016.
4. The appeal is partially allowed. The interim award dated 6th May, 2016 is set aside. However, since respondent no.1 has proved the disability vide disability certificate Ex.PW3/A, an interim award of Rs.25,000/- is passed in favour of respondent no.1 and against the appellant along with

interest @ 9% per annum from the date of the cognizance of the DAR i.e. 3rd July, 2014. The amount in terms of this judgement be paid to respondent no.1 within a period of four weeks from today.

5. Learned counsel for the appellant submits that the Claims Tribunal has imposed cost of Rs.15,000/- and Rs.5,000/- on 13th July, 2016 and 28th July, 2016 respectively for non-compliance of interim award. Since the interim award has been set aside, the cost imposed by the Claims Tribunal is also set aside.

6. The parties shall appear before the Claims Tribunal on 6th October, 2016, the date already fixed.

7. The Trial Court record be sent back.

8. The pending application is disposed of.

9. Copy of this judgement be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 14, 2016

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