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

+ CM(M) 1050/2016 & C.M. 38569/2016

THE ORINETAL INSURANCE CO LTD. .... Petitioner

Through: Mr. Shoumik Mazumdar,  
Advocate

Versus

NAGESAR MANDAL & ORS. .... Respondents

Through: Nemo.

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

% **10.11.2016**

Impugned order of 8<sup>th</sup> October, 2016 directs personal appearance of Chief General Manager of petitioner-Insurance Company because petitioner had not agreed to settle the claim for ₹5,00,000/-.

None has appeared on behalf of respondents No.2 & 3 despite service.

Learned counsel for petitioner submits that on the basis of calculation made, a sum of ₹4,18,890/- was offered towards full and final settlement and at best amount of ₹4,20,000/- could have been offered, as amount of ₹5,00,000/- is on the higher side and so, could not be agreed upon.

Upon hearing and on perusal of the impugned order, I find that even if a party does not accept the offer made by the opposite side, there is no justification to seek personal appearance of Head of the Insurance

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Company, as the Legal Officer can always provide necessary assistance to bring about an amicable settlement, if agreed upon by both the sides.

In view of the aforesaid, impugned order of 8<sup>th</sup> October, 2016 is set aside to the extent it directs the General Manager of Insurance Company to appear before the learned Motor Accident Claims Tribunal.

With above direction, the petition and application are disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**NOVEMBER 10, 2016**

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