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

+ **FAO(OS) 468/2015**

UNITED INDIA INSURANCE CO LTD Appellant

Represented by: **Mr.A.K.De, Mr.Rajesh
Dwivedi, Advs.**

versus

MANISH KUMAR GUPTA Respondent

Represented by: **Mr.Sanjeev Singh, Adv.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.02.2016

1. Challenge in the appeal is to the order dated May 25, 2015 dismissing R.P.No.558/2014.
2. Confronted with the legal position that no appeal would be maintainable against an order passed in review and that notwithstanding the review petition being dismissed challenge has to be to the main order, learned counsel concedes that instant appeal is not maintainable.
3. We dismiss the appeal as not maintainable.
4. If the appellant were to file an appeal against the order dated September 10, 2014 dismissing OMP No.1127/2013 the same shall be decided in accordance with law.

5. Sum of ₹29,74,628/- deposited by the appellant in this Court and kept in a fixed deposit shall be retained by the Registry for a period of 30 days and if within 30 days the appellant does not obtain any order concerning said amount, it shall be paid over together with the accrued interest, to the respondent and in execution proceedings said amount would be taken note of as having been paid to the respondent in satisfaction of the award which is under challenge.

6. No cost.

CM 24595/2015 (stay)

Dismissed.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 17, 2016
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