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

+ **MAC APP. 327/2014**

NATIONAL INSURANCE CO. LTD. Appellant

Through: Mr. Mr. L.K. Tyagi, Adv.

versus

SHALU SAXENA & ORS. Respondents

Through: Mr. A.K. Pandey with Mr. Rishi Raj,
Adv. for respondent Nos. 2 to 4.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **18.08.2017**

CM APPL. 27265/2017 (for release of 30% balance)

Issue notice. Mr. L.K. Tyagi accepts notice.

At joint request, the application is taken up for disposal.

The appeal has been dismissed. The applicant seeks a direction for release of the remaining 30% of the compensation amount lying deposited in the Court to respondent Nos. 2 to 4. Under this Court's direction, 70% of the compensation amount has already been released to the parties.

The Tribunal apportioned the awarded amount as under:

“27. Rs.15,00,000/- each with interest shall be given to each of the petitioners No. 2 to 4 whereas petitioner no. 1 shall be entitled to 74,48,229/- with interest including the amount of interim award.”

R-1 passed away during the pendency of the appeal. Therefore, her share would devolve on her son, her only surviving heir i.e. respondent No. 4. In the circumstances to R-2 and R-3, the parents of the deceased shall be released the balance unpaid amount of Rs.15.00 lakhs each along with the interest accrued on this balance amount as apportioned to them in the Award and the remaining amount shall be released and enure to the benefit of R-4.

The learned counsel for the parties have drawn the Court's attention to apparent typographical errors in para 1 of the order dated 18th May, 2017 wherein the masculine gender pronoun 'his' has been used in reference to R-1, a lady. This error is evident and needs to be corrected. Accordingly, the reference to R-1 by the pronoun "his" shall be read as 'her'.

The application stands disposed off in the above terms.

NAJMI WAZIRI, J

AUGUST 18, 2017/acm