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

Decided on: 14th July, 2017

+ **MAC.APP. 272/2009**

NATIONAL INSURANCE CO. LTD. Appellants

Through: Mr. Pradeep Gaur, Adv.

versus

RAJAN @ RAJWATI & ORS. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The claim of the first respondent for compensation on account of death of her child in accident that had occurred on 23.12.1995 had earlier resulted in judgment dated 28.01.2002 whereby compensation in the sum of Rs. 1,29,000/- with interest was granted. On FAO 241/2002 by order dated 04.02.2008 of this Court, the matter was remanded to the tribunal for adjudication against the backdrop of plea about breach of terms and conditions of the insurance policy.

2. The Tribunal, by the impugned judgment, re-assessed the compensation and granted Rs. 2,55,000/- as compensation with interest @ 7% per annum. The only contention urged is that since the compensation had already been assessed, it should not have been

recomputed. Since the matter had been remanded by this Court, all issues were at large and the tribunal while passing fresh judgment was within its rights to take a proper decision. The grievance cannot be accepted.

3. The appeal, therefore, is dismissed.

4. By order dated 26.05.2009, stay against execution of the impugned award was granted. The said stay order is vacated. The insurance company shall now satisfy the award by requisite deposit with the tribunal within 30 days.

5. Statutory deposit shall be refunded after the award has been satisfied.

JULY 14, 2017

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R.K.GAUBA, J.

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