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

Decided on: 20th November, 2017

+ **MAC APPEAL 629/2012**

ORIENTAL INSURANCE COMPANY LTD. Appellant

Through: **Mr. Amit Gaur for Mr. Pradeep
Gaur, Advocates**

versus

MANJU & ORS.

..... Respondents

Through: **None**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

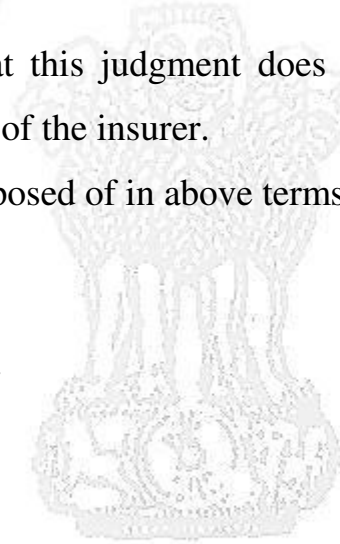
1. While awarding compensation in favour of the first respondent (claimant), by judgment dated 22.03.2012, on her accident claim case (MACT case no.372/10/07), the Motor Accident Claims Tribunal (Tribunal) added Rs.21,000/- as counsel's fee and Rs.3,000/- as out of pocket expenses for the counsel for the petitioner.
2. The appeal by the insurance company on which liability was placed, at the hearing, is pressed only to question the justification for such counsel's fee and out of pocket expenses so awarded. Indeed, such additions to the award were uncalled for and the same are therefore, set aside.
3. The appeal is disposed of in above terms.

4. By order dated 30.05.2012, the insurance company had been directed to deposit the awarded amount except such lawyer's fee and out of pocket expenses of Rs.24,000/-, with up-to-date interest with the UCO Bank, Delhi High Court Branch and from out of such deposit, fifty percent (50%) was permitted to be released to the claimant. The balance shall now be released to the claimant in terms of the impugned judgment.
5. The statutory deposit shall be refunded to the insurance company.
6. It is clarified that this judgment does not affect the recovery rights granted in favour of the insurer.
7. The appeal is disposed of in above terms.

NOVEMBER 20, 2017

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R.K.GAUBA, J.



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