

\$~R-624

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 1ST December, 2017

+ MAC. APPEAL No.1111/2012 and CM No.17890/2012

NEW INDIA ASSURANCE COMPANY LIMITED

..... Appellant

Through: Mr. Panakj Seth, Advocate

versus

ARUN KUMAR GOEL & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The inclusion of Rs.25,000/- towards lawyer's fee and Rs.5,000/- towards out of pocket expenses added as liability of the insurer (appellant) by the tribunal, by judgment dated 03.07.2012, is only pressed as the contention in the appeal at hand challenging the judgment to that extent rendered in accident claim case (MACT No.317/10/08) of the first respondent/claimant.
2. There being no justification for such inclusion, the directions of payment of lawyer's fee and out of pocket expenses are set aside.
3. The award is modified accordingly.
4. By order dated 15.10.2012, the insurance company had been directed to deposit 50% of the awarded amount, excluding counsel fee and out of pocket expenses with upto date interest with UCO

Bank, Delhi High Court Branch, New Delhi. By subsequent order dated 15.03.2013, the deposited amount was ordered to be released with interest in favour of the claimant.

5. The insurer is directed to deposit the balance of its liability by requisite deposit with interest with the tribunal within thirty days, making it available to be released to the claimant in terms of the award.

6. The statutory amount shall be refunded to the insurer after proof of award having been satisfied is shown.

7. The appeal along with pending application stands disposed of in above terms.

DECEMBER 01, 2017

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R.K.GAUBA, J.