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

Decided on: 20th July, 2017

+ **MAC APPEAL No.603/2008**

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through: **Mr. Pankaj Seth, Adv.**

versus

SHAHIDA BEGUM & ORS. Respondents
Through: **Mr. Arvind Kumar Pandey,**
Adv. for R-1 to R-4.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The only contention urged in this appeal against the judgment dated 28.08.2008 of the motor accident claims tribunal in claim petition (suit no. 362/2006) is that the first and third respondents could not have been treated as dependents since they were married sisters of the deceased. The fact remains that the second and fourth respondents were unmarried sisters, also sisters of the deceased, they being unmarried and dependent on the deceased at the relevant point of time. Since the award was under Section 163-A of the Motor Vehicles Act, 1988, the contention raised by the insurer, even if accepted, would not result in dilution of its liability. Such contentions concerning

apportionment, the issue cannot be raised by a third party, a stranger to the benefit accruing from the award.

2. In view of the above, the appeal is dismissed.

3. In terms of the order dated 8th December, 2008, the insurance company had been directed to deposit the entire awarded amount with interest with the Registrar General, and 50% was allowed to be released, the balance having been kept in fixed deposit receipts. The balance shall also now be released.

4. Statutory deposit shall be refunded.

R.K.GAUBA, J.

JULY 20, 2017

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