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

+ **FAO 358/2016 and C.M. Appl. No. 27440/2016 (for stay)**

ORIENTAL INSURANCE CO LTD Appellant
Through: Mr. L.K. Tyagi, Advocate.

versus

VINOD KUMAR & ORS Respondents
Through: Mr. Murari Choudhary, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **04.05.2017**

1. This appeal is disposed of as not pressed, inasmuch as, counsel for the appellant argues that the impugned order, which is a consent order, was in fact not a consent order as appellant had not given consent. However, it is noted that in law this Court has to accept as correct what is correctly noted in the impugned order dated 25.4.2016, inasmuch as, otherwise the appellant had to approach the same Employee's Compensation Commissioner Court urging that the consent of the appellant is wrongly recorded, and which is required in

view of the ratio of the judgment of the Supreme Court in the case titled as State of *State of Maharashtra Vs. Ramdas Srinivas Naik (1982) 2 SCC 463*.

2. In view of the above, this appeal is disposed of as not pressed, inasmuch as, counsel for the appellant states that appellant will file necessary application, including the review petition, for recall of the order dated 25.4.2016 on the ground as stated above.

3. The appeal is disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

MAY 04, 2017

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