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

+ MAC.APP. 652/2017 and CM APPL. 26505/2017

TATA AIG GENERAL INSURANCE CO LTD Appellant

Through: Mr. Rudra Kahlon and Ms. Vandana
Kahlon, Advocates

versus

VIPAN KAUR & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **28.07.2017**

The insurance company has come up in appeal against judgment dated 26.04.2017 raising grievance that the amount of Rs.25,65,700/- has been added as cost of artificial limb which is intended to be released to the claimant directly it being against the law declared by this Court in MACA 110/2006 decided on 15.05.2013. The insurance company also points out that there is an error in the computation of compensation.

It is noted that at serial no.22 in the table included in para 12, the Tribunal has indicated that the mode of disbursement will be decided after recording the statement of the claimant and for such purpose the matter was adjourned to 27.07.2017. Thus, the judgment is still not complete. The directions about disbursement are yet to be issued by the Tribunal. For suitable correction of the errors and to

have its contentions about disbursement properly considered in light of the law, the insurance company should assist the Tribunal rather than rushing to the Court prematurely.

In above view, the counsel for the appellant now submits that he may be allowed to withdraw the appeal with liberty to raise the above noted and other contentions before the Tribunal.

The appeal and the pending application are dismissed as withdrawn with liberty as prayed.

The statutory amount shall be refunded.

Dasti.

R.K.GAUBA, J

JULY 28, 2017

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