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

+ **MAC.APP. 609/2018**

IFFCO TOKIO GENERAL INSURANCE CO LTD Appellant

Through: **Mr. Pankaj Gupta, Advocate for
Ms. Suman Bagga, Advocate**

versus

ARTI DEVI & ORS

.....Respondents

Through: **Mr.O.P. Mainnie, Advocate for
respondents No.1 to 3**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

04.10.2018

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CM 26569/2018 (delay)

There is delay of 08 days in filing the accompanying appeal.

Upon hearing, I find that sufficient cause is shown to condone the delay occasioned. The application is allowed and the delay stands condoned.

The application is disposed of.

MAC.APP. 609/2018

In this appeal, the challenge is to interim Award of 28th March, 2018, which directs appellant to deposit compensation of rupees fifty thousand.

Learned counsel for appellant submits that there was no valid insurance policy on the day of the accident and so, appellant is not liable to deposit the interim Award amount. However, it is submitted that

impugned interim Award has been already complied with by appellant.

Upon preliminary hearing, interim order of 9th July, 2018 is vacated with a rider that the interim Award amount deposited by appellant be not released to respondents-Claimants and it be invested into FDR with automatic renewals till the claim petition of respondents-Claimants is decided. In the event of appellant succeeding before the Motor Accident Claims Tribunal, the amount so deposited by appellant towards interim Award be refunded to appellant and if the claimants succeed, then they shall be entitled to interim award amount, with interest accrued thereon.

Since this appeal is not pressed on merits, therefore, it is disposed of with clarification that any observation in the impugned Award shall have no bearing on merits at the conclusion of the proceedings before the Tribunal.

This appeal stands disposed of in aforesaid terms. Statutory deposit, if any, be refunded to appellant.

(SUNIL GAUR)
JUDGE

OCTOBER 04, 2018

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