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

+ CM(M) 1188/2018 & CMs 40564-65/2018

BAJAJ ALLIANZ GEN INS CO LTD .....Petitioner

Through: Mr. A K Soni, Mr. Pavan Kumar and  
Mr. Rajiv Bajaj, Advocates

Versus

SUNITA & ORS. ....Respondents

Through: Nemo

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

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**01.10.2018**

Impugned order of 21<sup>st</sup> May, 2018 directs that the salary of designated officer of petitioner-Insurer be attached to the extent of ₹10,000/-, towards the cost imposed as no reply to the show cause notice was filed by the said designated officer.

It is pointed out by petitioner's counsel that reply (Annexure P-1) was filed on 21<sup>st</sup> May, 2018 and the said reply has been outrightly rejected by the concerned Motor Accident Claims Tribunal, (hereinafter to be referred as the 'Tribunal'), because cost of ₹10,000/- has not been deposited by the said designated officer.

Notice of this petition to side opposite is dispensed with as the impugned order qua the attachment order issued against the designated officer of the petitioner-Insurer is under challenge, which does not concern the respondents.

Upon hearing and on perusal of impugned order of 21<sup>st</sup> May, 2018 and order of 9<sup>th</sup> April, 2018 and the reply to the show cause notice (Annexure P-1), I find that instead of outrightly rejecting

petitioner's reply (Annexure P-1), the Tribunal ought to consider the said reply and pass a speaking order, before the attachment order is implemented against petitioner's designated officer.

Accordingly, this petition and the application are disposed of, while setting aside the impugned order of 21<sup>st</sup> May, 2018 to the extent that it rejects petitioner's reply to the show cause notice, with a direction to the concerned Tribunal to consider the petitioner's reply to the show cause notice and thereafter, to pass a speaking order expeditiously.

Till then, the attachment order be not implemented against petitioner.

With the aforesaid directions, this petition and the applications are disposed of.

*Dasti.*

**(SUNIL GAUR)**  
**JUDGE**

**OCTOBER 01, 2018**  
**P**