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

+ **W.P.(C) 13310/2018**

THE NEW INDIA ASSURANCE CO LTD Petitioner

Through: Mr D. D. Singh and Mr Navdeep
Singh, Advocates.

versus

SUNMAYA GURUNG & ORS Respondents

Through: Mr Roshan Lal Goel and Ms Anju
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.12.2018**

CAV. 1146/2018

1. Learned counsel for the caveator/respondent has entered appearance.
2. The caveat stands discharged.

CM No.51762/2018

3. Allowed, subject to all just exceptions.

W.P.(C) 13310/2018 & CM No.51763/2018

4. The petitioner (the New India Assurance Co.) has filed the present petition impugning an award dated 08.09.2018 passed by the Lok Adalat recording the settlement between the petitioner and respondent nos.1 to 4. In terms of the said award, the petitioner is liable to pay a sum of ₹48 lakhs to respondent nos.1 to 4 in full and final settlement of their claim that was raised before the Motor Accident Claims Tribunal (South-West District). The learned counsel appearing for the petitioner states that the award is not

in terms of Regulation 17(2) of the National Legal Services Authority (Lok Adalat) Regulations, 2009 inasmuch as it is not signed on behalf of the petitioner. He states that although endeavours were made to settle the matter between the parties, however, the petitioner's counsel was not accorded the authority to accept the aforesaid award and, therefore, the same was not signed. Undisputedly, the award is not signed on behalf of the petitioner and, thus, is liable to be set aside. The petition is allowed and the impugned award dated 08.09.2018 and the order dated 13.09.2018 are set aside and the file of MACP No.576/2017 tilted '*Sunmaya Gurung & Ors. v. Shiv Kumar & Ors.*' is restored before the PO, MACT (South-West District).

5. The said matter is directed to be listed before the MACT on 17.12.2018 at 2:30 PM.
6. The petition is disposed of. The pending application is also disposed of.
7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 10, 2018
MK