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

% *Decided on: 15.11.2019*

+ **MAC.APP. 536/2018**

ORIENTAL INSURANCE CO. LTD. Appellant
Through: Mr. R.K. Tripathi, Adv.

versus

SHAFIYA & ORS. Respondents
Through: Mr. A.P. Singh, Mr. V.P. Singh, Ms.
Geeta Chauhan, Ms. Pratima Rani & Ms. Richa
Singh, Adv. for R- 1 to 3.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

MAC.APP. 536/2018 & CM No. 23756/2018 (Stay)

1. It is the appellant's case that the impugned order dated 26.03.2018 passed by the learned MACT in Suit No. 6251/2016 has erred insofar as it has awarded compensation on account of death of the injured which occurred ten years after the accident. The Court would note that the said contention is erroneous in the face of the record. The first sentence of the award itself reads "Vide this order I shall dispose of the claim petition filed by injured/ petitioner namely Arshad Ali for seeking compensation for the injuries suffered by him in an accident occurred on 19.03.2009 at about 9.30 pm near Dhrub Enclave, Sector-22, Rohini, Delhi...".

2. A perusal of the computation of the award shows that monies

have been awarded towards “expenditure on treatment, conveyance, special diet, cost of nursing/ attendant, loss of earning capacity, loss of income, compensation for mental and physical shock, pain and suffering, loss of amenities of life, disfiguration, etc”. Clearly the compensation was granted for injuries suffered by the injured years prior to his demise. It was not an award for compensation on account of death of the injured.

3. The Court finds no reason to interfere with the impugned order. The appeal is without merit and is, accordingly, dismissed. The appeal being frivolous, a cost of Rs. 50,000/- is imposed upon the appellant. The cost of Rs. 50,000/- and the statutory amount of Rs. 25,000/-, along with interest accrued thereon, shall be paid to the claimants as cost of litigation.

4. Of the deposited amount, an amount of Rs. 6 lacs shall be released to the claimants, within three weeks of the receipt of the copy of this order, directly into their bank account, details of which is given as under:

Name	Bank details	Amount
Mrs. Shafiya Begam, Mother of the deceased	Punjab National Bank A/c No.7325000100128823 IFSC Code: PUNB0732500 Branch: Mohalla Abdulla, Bilari, Moradabad, U.P.	Rs. 2,00,000/-
Mr. Shakil Ahamad, Father of the deceased	State Bank of India A/c No. 34900778292 IFSC Code: SBIN0000595 Branch: Bilari, Distt. Moradabad, U.P.	Rs. 2,00,000/-
Mrs. Tabassum Jahan, sister of the	Bank of Baroda A/c No. 56410100002743	Rs. 2,00,000/-

deceased	Branch: Shahabad Road, Bilari, Distt. Moradabad, U.P.	
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5. The appeal is disposed off in the above terms.

NAJMI WAZIRI, J

NOVEMBER 15, 2019/kk

