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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 192/2023, CM APPL. 59150/2023**

THE NEW INDIA ASSURANCE COMPANY LTD

..... Petitioner

Through: Mr. JPN Shahi, Adv.

versus

SMT SATYAVATI AND ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

06.03.2024

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1. None appeared today on behalf of respondent Nos. 3 & 4 who are the parents of the deceased. Respondent Nos. 1 & 2, who are the wife and minor daughter of the deceased have been served by publication. The remaining respondents have nothing to say in the present matter as they happen to be the drivers and owners of the two vehicles that were involved in the accident.

2. The petitioner/Insurance Company is invoking the supervisory jurisdiction of this Court under Article 227 of Constitution of India assailing order dated 03.01.20223, passed by the learned MACT.

3. The long and short of the submissions made by learned counsel for the petitioner is that the Insurance Company has preferred MAC. APP.814/2019 wherein *vide* order dated 28.11.2019 the operation of the award had been stayed by this Court subject to the Insurance Company depositing 50% of the awarded amount with the learned Tribunal. It is evident that the said amount has been deposited.



4. However, in the interregnum, the learned MACT in the execution proceedings also ordered attachment of the amount of compensation. An application was moved by the petitioner/Insurance Company before the learned Tribunal for release of the attached amount, in view of compliance/directions of this Court dated 28.11.2019.

5. Learned Tribunal has dismissed the application primarily on the ground that the matter is *sub judice* in the High Court.

6. In view of the fact that the petitioner/Insurance Company has complied with the direction of this Court and the appeal is *sub judice*, there is no legal impediment in releasing the amount of compensation attached in the execution proceedings, and therefore, the present petition is allowed thereby directing the learned Presiding Officer MACT, North Rohini Court, New Delhi to withdraw the attachment orders in terms of order dated 17.02.2022 and 03.01.2023 and the amount of compensation be released in favour of the petitioner/Insurance Company forthwith.

7. The petition is disposed of accordingly.

DHARMESH SHARMA, J

MARCH 6, 2024/sa