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

+ **CM(M) 230/2024**

**PAWAN KUMAR**

..... Petitioner

Through: Mr. Anshuman Bal, Adv.

versus

**ORIENTAL INSURANCE COMPANY LIMITED & ORS.**

..... Respondents

Through: Mr. Pradeep Gaur, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

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**06.02.2024**

1. This hearing is being conducted through hybrid mode.

**CM APPL. 7149/2024 (Ex.)**

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

**CM(M) 230/2024**

4. This petition has been moved under Article 227 of the Constitution of India, assailing the impugned judgment-cum-award dated 20.10.2023, passed by the learned Presiding Officer, MACT-02, Shahdara, Karkardooma Courts, Delhi, primarily on the ground that although compensation in the sum of Rs. 19,92,616/- has been awarded with interest @ 8% p.a. from the date of filing of the petition till its realization, however, on the application moved by the petitioner for release of the amount of compensation, only a sum of Rs. 1 lakh has been ordered to be released in the form of FDR.

5. Learned counsel for the respondent/Insurance Company has no



objection if the application is considered as per law.

6. It is pointed out by the learned counsel for the petitioner that it is a case where the petitioner has suffered 90% permanent disability in the nature of amputation of right upper limb and at the time of the accident, he was working as a laundry man. It is submitted that he has a family to support and some funds are required urgently to sustain his family in the nature of the education expenses of his children as well as other household expenses.

7. In view of the facts and circumstances explained in the present petition, the impugned order dated 20.10.2023 is hereby set aside and 50% of the amount of compensation, along with accrued interest up till date, be released to the petitioner forthwith in his bank account. The remaining amount shall remain in the fixed deposit along with accrued interest up till date, as per the directions given by the learned MACT.

8. The petition is disposed of accordingly.

**DHARMESH SHARMA, J.**

**FEBRUARY 6, 2024**

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