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

+ **MAC.APP. 78/2021, CM APPL. 5226/2021**

THE ORIENTAL INSURANCE CO.LTD Appellant

Through:

versus

ARCHANA DEVI & OTHERS Respondents

Through: Mr. Sunil Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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08.04.2024

1. Learned counsels for the parties point out that the cross appeal under Section 173 of the Motors' Vehicle Act, 1988 filed by the claimants have since been decided by this Court in **MAC APPL. 78/2021** titled **Archna Devi v The Oriental Insurance Co. Ltd.** vide judgment dated 29.05.2023, whereby this Court has been pleased to enhance the compensation.

2. Evidently, the present appeal has been filed by the appellant Oriental Insurance Company so as to modify the impugned award on the ground that the compensation amount was exaggerated. The present appeal does not survive.

3. In view of the aforesaid position, the present appeal no longer survives. Hence the same is dismissed.

4. The statutory amount of ₹25,000/-, if deposited, be released to the appellant insurance company.

DHARMESH SHARMA, J.

APRIL 8, 2024/pkv