



\$~118

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

+ **MAC.APP. 630/2014**

NEW INDIA ASSURANCE CO. LTD.Appellant

Through: **Mr.J.P.N.Shahi, Advocate.**

versus

SHWETA NAYYAR SHARMA & ORS.Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

%

09.08.2024

CM APPL. 45642/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**REVIEW PET. 293/2024 – FRESH BY APPELLANT FOR
REVIEW OF ORDER DT. 07.05.2024**

3. The applicant i.e. the appellant/insurance company seeks review of judgment dated 07.05.2024 to the extent of seeking refund of statutory amount of Rs. 25,000/- which was forfeited along with accrued interest thereupon.
4. None is present for the non-applicants/respondents despite advance notice.
5. It is borne out on perusal of the judgment dated 07.05.2024 that the appellant/insurance company had assailed the impugned Award; firstly, on the ground that the claimant party had failed to prove any negligence on the part of driver of the offending/insured vehicle; and secondly, on quantum of compensation to the effect that income of



the claimant was wrongly enhanced to 50% for assessing the compensation towards loss of 'financial dependency' as it was claimed that the deceased was not in a permanent job.

6. Suffice to state that the aforesaid pleas were decided against the appellant/insurance company except that this Court *suo moto* modified the amount of compensation awarded to the claimant with regard to loss of consortium, funeral expenses and loss of estate.

7. Hence, there are made out no grounds to review the earlier judgment dated 07.05.2024 passed by this Court. Accordingly, the present review petition is dismissed.

DHARMESH SHARMA, J.

AUGUST 9, 2024/*sm*