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

+ **MAC.APP. 1070/2018**

THE NATIONAL INSURANCE CO LTDAppellant

Through: None.

versus

DILIP KUMAR & ORSRespondents

Through: Respondent No. 1 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.12.2024**

CM APPL. 73637/2024 (u/S 151 of CPC, 1908)

1. By way of present Application, the Respondent No. 1/Injured for release of the awarded amount.
2. It is submitted that the learned Claim Tribunal *vide* Award dated 16.02.2018 had granted the Respondent No.1/Injured a compensation in the sum of Rs. 8,17,100/- along with interest @ 9% per annum on account of injuries suffered by him in a road accident on 11.11.2009.
3. The Respondent No.1/Injured filed the Review Application dated 24.05.2018 before the learned Claim Tribunal. However, the same was dismissed as withdrawn with liberty to file an Appeal before this Court.
4. Thereafter, the present Appeal has been filed on behalf of the Appellant/Insurance Company challenging the Award dated 16.02.2018 on the ground that the excessive compensation has been given to the Respondent No.1/Injured by the learned Claim Tribunal, which has been



disposed of *vide* Order dated 24.07.2024 by this Court and reduced the compensation amount of Rs. 8,17,100/- along with interest @ 9% per annum to Rs. 5,11,602/-.

5. Aggrieved by the Order dated 24.07.2024, the Respondent No.1/Injured preferred a Review Petition bearing No. 410/2024 before this Court. However, the same was withdrawn by him as he did not wish to pursue the said Review Petition.

6. Therefore, it is prayed that the Award amount along with upto date interest may be released in favour of the Respondent No. 1/Injured.

7. **Submissions heard.**

8. The Appellant/Insurance Company had filed the present Appeal against the impugned Award dated 16.02.2018 which has been decided *vide* Order dated 24.07.2024 reducing the compensation amount to Rs. 5,11,602/- from Rs. 8,17,100/- awarded by the learned Claim Tribunal, and direction was given to disburse the Award amount to the Respondent No. 1/Injured.

9. Aggrieved by the Order dated 24.07.2024, the Review Petition bearing No. 410/2024 under *Order XLVII read with Sections 114 and 151 of the Code of Civil Procedure, 1908*, but the same was withdrawn *vide* Order dated 04.12.2024.

10. *The Respondent No. 1/Injured in person submits* that though the Review Petition was withdrawn by him, but it was observed that both the parties shall abide by the Award passed by the learned Claim Tribunal. Therefore, the Order/Award of the learned Claim Tribunal stands restored and the compensation in the sum of Rs. 8,17,100/- along with interest @ 9% per annum is liable to be paid to the Respondent No.1/Injured.

11. Once the compensation amount had been reduced *vide* Order dated



24.07.2024 and the Review Petition filed against the said Order stands withdrawn by the Respondent No. 1/Injured, the Order dated 24.07.2024 reducing the compensation amount only survives. However, Respondent No. 1/injured is insisting that it is the compensation payable is of the learned Claim Tribunal and not of this Court, he requests that the matter may be listed before the Predecessor Judge.

12. At his request, re-notify on 18.12.2024 before the Predecessor Judge for consideration, subject to Orders of Acting the Chief Justice.

NEENA BANSAL KRISHNA, J

DECEMBER 16, 2024

S.Sharma