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

+ **MAC.APP. 48/2016**

NATIONAL INSURANCE CO LTDAppellant
Through: Mr. Pradeep Gaur, Adv.
(through VC)

versus

ALKA KUMARI & ORSRespondents
Through: Mr. Pankaj Gupta, Adv.
(through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER
15.01.2025

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1. By the present appeal, the appellant has challenged the judgment / award dated 29.10.2015 (hereafter '**impugned award**'), passed by the learned Motor Accident Claims Tribunal (**MACT**) in Suit No. 592/08, pursuant to which a compensation of ₹8,02,234/- was awarded to the family of the deceased.
2. The appellant has challenged the impugned award on the ground that higher amount has been awarded.
3. The learned MACT had held that the owner or the driver is responsible for the accident and the appellant is entitled to recover the said amount from the owner or the driver.
4. In the opinion of this Court when the appellant is permitted to recover the said amount, it is not open for them to challenge the compensation on the ground that the same has been awarded on the higher side.
5. It is also undisputed that the owner or the driver has not challenged the impugned award, thus there was no embargo on



the appellant to recover the awarded amount.

6. The appeal, in such circumstances, is not maintainable and is therefore, dismissed.

7. Let the statutory amount deposited by the appellant be refunded.

8. The amount of compensation deposited before the learned Tribunal is directed to be released in favour of Respondent Nos. 1 to 3.

AMIT MAHAJAN, J

JANUARY 15, 2025

'KD'