


Sr. No.	Date	Orders
		<p>* <b>IN THE HIGH COURT OF DELHI AT NEW DELHI</b></p> <p>+ <b>FAO 560/2001 &amp; CM.1014/2001</b></p> <p><b>ORIENTAL INSURANCE CO.LTD. .... Appellant</b> Through Mr. P.K.Seth, Advocate.</p> <p>versus</p> <p><b>SURAJ PRAKASH VERMA ..... Respondent</b> Through Mr.Vinay Kumar with Mr. Anil Kumar Thakur, Advocates.</p> <p><b>CORAM:</b> <b>HON'BLE MR. JUSTICE R.S. SODHI</b></p> <p><b><u>ORDER</u></b> <b>08.12.2004</b></p> <p>%</p> <p>This petition is directed against the judgment dated 4.9.2001 of the Motor Accident Claims Tribunal in Suit No.93/1997 whereby the Tribunal has awarded a sum of Rs.29,39,000/- on account of injuries sustained in an accident on 9.9.1996.</p> <p>The Insurance Company is aggrieved of this order primarily on the ground that the award is on the higher side.</p> <p>Heard counsel. In view of the judgment of the Supreme</p>

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		<p data-bbox="394 362 1503 907">Court in National Insurance Company Ltd. Vs. Nicolletta Rohatgi 2002 (7) SCC 456. The Insurance Company is debarred from challenging the quantum of compensation in the circumstances of this case in hand. Counsel, however, contends that the award is even beyond that which was claimed. The settled position of law now is that the Tribunal can award higher award than claimed if the same is proved.</p> <p data-bbox="394 941 1503 1077">With the above observation, FAO 560/2001 is dismissed. CM.1014/2001 is also dismissed.</p> <p data-bbox="394 1111 789 1156"><b><u>CM.5286-5287/2004:</u></b></p> <p data-bbox="394 1190 1503 1326">These applications are allowed and disposed of in view of the above order.</p> <div data-bbox="1066 1270 1419 1496"> <b>R.S. SODHI, J</b></div> <p data-bbox="495 1496 882 1587"><b>DECEMBER 08, 2004</b> bp</p> <p data-bbox="394 1973 655 2029">FAO 560/2001</p>