



2025:DHC:6813



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

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Date of Decision: 12.08.2025+ **CM(M) 415/2025**

SAVITA

.....Petitioner

Through: Mr. Rijul Taneja, Ms. Henna Narula
and Mr. Nimrit Bhalla, Advs.

versus

IFFCO TOKIO GENERAL INSURANCE

.....Respondent

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl. 12542/2025/Exemption from filing Trial Court record]**

1. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

2. The Application stands disposed of.

CM Appl. 21514/2025/Seeking early hearing]

3. The present Application has become infructuous and is accordingly dismissed.

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4. The present Petition has been filed under Article 227 of the Constitution of India, 1950 impugning the order dated 15.01.2025 passed by the learned Presiding Officer, MACT, District North, Rohini Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application filed by the Petitioner for release of the remaining award



amount was dismissed.

5. Learned Counsel for the Petitioner submits that the request of the Petitioner to release a sum of Rs. 17,13,220/- in pursuance of an agreement to sell dated 23.12.2024 executed by the Petitioner has not been released.

5.1 Learned Counsel for the Petitioner submits that the learned Tribunal had passed an award dated 03.05.2023 [hereinafter referred to as “Impugned Award”] in favour of the Petitioner by which an amount in the sum of Rs. 20.69 lakhs was awarded to the Petitioner No.1. By the Impugned Award, various amounts were awarded to the Claimants therein. Learned Counsel for the Petitioner submits that he represented Petitioners Nos. 1 and 2 before the learned Tribunal.

5.2 Learned Counsel for the Petitioner submits that the amounts that were awarded to Petitioner No. 1 was Rs. 20.69 lakhs and Rs. 12 lakhs to the Petitioner No. 2 along with proportionate interest. It is the contention of the Petitioner that of the Rs. 20.69 lakhs awarded, a sum of Rs. 5,73,000/- have already been released to the Petitioner and that no amounts have been released in favour of the minor son.

6. Learned Counsel for the Petitioner submits that after the death of the deceased, the Petitioner has been residing with her father and brothers in their house. Learned Counsel for the Petitioner submits that the Petitioner has negotiated to purchase a property at property located at Tashil Jewar Gautam Budh Nagar U.P. for her residence and that of son with a view to secure their future. It is contended that the Petitioner has executed an agreement to sale dated 23.12.2024 [hereinafter referred to as “Agreement”].



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6.1 Learned Counsel for the Petitioner further submits that in pursuance thereof, an Application was filed by Petitioner No.1 for release of the awarded amount in one lumpsum to make payment for the purchase of the property, however, by the Impugned Order, the Application has been dismissed. He submits that the Petitioner has already paid the advance amount under the Agreement.

7. Learned Counsel for the Petitioner fairly concedes that although the Agreement was placed on record, no other documents were placed on record before the learned Tribunal. He further submits, on instructions, that the receipts and other documents evidencing payments made by the Petitioner to the seller of the property are available with him and that he will file the same before the learned Tribunal to show his bona fides along with any other document required.

7.1 Learned Counsel for the Petitioner further submits, on instructions, that the Petitioner only seeks the disbursal of the balance amount that was awarded to her and that no amounts shall be withdrawn from the account of her son.

8. Accordingly, the Petition is disposed of with a direction that the Petitioner shall file an appropriate Application and appear before the learned Tribunal with all requisite documents evidencing his *bona fides* for purchase of the property for her residence. The learned Tribunal shall examine the documents and pass appropriate orders.

9. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 12, 2025/r