



2025:DHC:6082



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

% ***Date of Decision: 24.07.2025***

+ **CM(M) 906/2025**

THE NEW INDIA ASSURANCE CO. LTD .....Petitioner

Through: Mr. JPN Shahi, Advocate

versus

SMT. URMILA AND ORS .....Respondents

Through: Mr. Dilip Singh, Mr. R. Karthik and  
Mr. Arnav Mehta, Advocates for R- 1  
to 4

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Article 227 of the Constitution of India impugning the order dated 28.01.2025 [hereinafter referred to as "Impugned Order"] passed by the learned Presiding Officer, MACT-01, Central, Tis Hazari Courts, Delhi in Review Application No. MISC. DJ No. 502/2024 in MACT No. 57324/2016 captioned ***Urmila v. Suresh Kumar and Ors.***

2. It is the case of the Petitioner that initially an Order was passed on 09.04.2024 by the learned Trial Court by which an amount in the sum of Rs. 36,76,878/- including interest at the rate of 7.5% per annum was awarded to Respondents/Claimants. Subsequently, an Application was filed by the Respondents/Claimants for review. Although, the Application has not been placed on record by the Petitioner. A review of the Impugned Order shows



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that that the Application for review was filed on two grounds. Firstly, that the gross salary of the deceased was Rs. 23,606/- while the net salary was Rs. 20,951/- and despite the salary slip being available on record, the learned Tribunal took the net salary of the deceased instead of the gross salary. Secondly, the ground for review was that the pension of the deceased was wrongly deducted by the learned Tribunal while awarding compensation.

3. Learned Counsel appearing on behalf of the Petitioner once again submits the Petition is maintainable since it seeks only to challenge the Order dated 28.01.2025.

4. Undisputedly, the Order dated 28.01.2025 is a substantive order by virtue of which an Award dated 09.04.2024 has been amended and a fresh award has been passed on 28.01.2025. The award dated 09.04.2025, has culminated into a new award in view of the order dated 28.01.2025. The Petitioner would thus be required to file a substantial Appeal under Section 173 of the Motor Vehicle Act, 1988 to challenge both these two awards.

5. The Petition is, accordingly, dismissed. Liberty is granted to the Petitioner to challenge the awards *albeit* in accordance with law.

6. It is clarified that the Court has not examined the issue on merits. All rights and contentions of both the parties are left open to be decided in the substantive Appeal, if any, sought to be filed by the parties.

7. The Order dated 15.05.2025 had granted a stay on the enforcement of the Impugned Award and had directed the Appellant to deposit the balance awarded amount inclusive of up to date interest with the Registry of this Court within a period of four weeks. In the event, that the entire awarded amount has been deposited by the Appellant, the enforcement of the Impugned Award shall remain stayed.



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8. The parties shall act based on the digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**JULY 24, 2025**  
***g.joshi***