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* IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No.635/2010

Date of Decision: September 27, 2010

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD
..... Appellant
through Ms. Suman Bagga, Advocate

versus

RAM BRIKSH RAM & ORS
through None
..... Respondents

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether the judgment should be reported in the 'Digest'?

REKHA SHARMA, J. (ORAL)

Admittedly, the appellant, namely, Cholamandalam MS General Insurance Company Limited has been granted the right to recover the compensation from the owner of the offending vehicle which it has been directed to pay to the claimants at the first instance.

It is submitted by learned counsel for the appellant that the Insurance Company successfully proved on record that the driver of the offending vehicle was having a fake driving licence and yet the Claims Tribunal has only granted the recovery rights to the Insurance

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Company instead of completely exonerating it from the liability to pay the compensation.

Having heard learned counsel for the appellant, I find no infirmity in the impugned award. It is only in cases where the drivers of the offending vehicles do not have a licence at all that the Insurance Companies are exonerated from the liability to pay, but in cases of fake driving licence, they are only granted the right to recover the compensation from the owner. The present, as noticed above, is a case of fake driving licence.

There is no merit in the appeal. The same is dismissed.

The statutory amount of ₹ 25,000/- deposited by the Insurance Company as a pre-condition to the hearing of the appeal be refunded to it through counsel.


REKHA SHARMA, J

SEPTEMBER 27, 2010
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