

* IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC App. No.667/2010

Date of Decision: October 06, 2010

NEW INDIA ASSURANCE CO LTD Appellant
through Ms. Geetanjali Choudhary, Advocate

versus

NEENA DEVI & ORS Respondents
through None

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

It is not disputed by learned counsel for the appellant/Insurance Company that though the Insurance Company has been directed to pay the awarded amount to the claimants at the first instance, but it has been given the right to recover the same from the owner and the driver of the offending vehicle. It is, however, submitted by the learned counsel that the driver of the offending vehicle was not having a valid driving licence and as such, even at the first instance, Insurance Company could not be held liable to pay the awarded amount.

From a perusal of the impugned award of the Motor Accident Claims Tribunal, dated July 08, 2010, I find that aforesaid contention of the Insurance Company that the driver was not having a valid driving licence has been rejected. However, as there was a violation of the provisions of Section 157(2) of the Motor Vehicles Act, 1988 on the part of respondent No.3(b) having not informed the Insurance Company about the death of the original insured, it has been granted the right to recover the awarded amount from the legal representatives of the deceased insured.

In view of the above, there is no merit in the appeal. The same is dismissed.

REKHA SHARMA, J

OCTOBER 06, 2010
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