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

Date of Decision: 6th November, 2012

+ **CM(M). 1201/2012**

ORIENTAL INSURANCE CO.LTD. Petitioner

Through: Mr.Pradeep Gaur, Advocate

versus

MASTER DAIYAN & ORS. Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

C.M. APPL No.18838/2012(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAC APP. No.1201/2012 & CM. APPL No.18837/2012(Stay)

1. A Claim Petition under Section 166 read with Section 140 of the Motor Vehicles Act, 1988 (the Act) was preferred by the First Respondent claiming compensation from Respondents No.2 and 3.
2. The Appellant was impleaded as an Insurer of the vehicle involved in the accident. As per the averments, the Appellant Insurance Company filed its written statement on 25.09.2012 and the case was adjourned to 26.10.2012 for filing of written statements by Respondents No.2 and 3.
3. On 26.10.2012, it was stated by the learned counsel for the Appellant Insurance Company that it had no statutory defence. The Claims Tribunal

proceeded to order the appearance of the General Manager of the Insurance Company on 07.11.2012.

4. The Appellant Insurance Company is aggrieved by the same on the ground that no reasons have been given by the Claims Tribunal for asking the General Manager to appear before the Claims Tribunal in person.
5. As the written statement on behalf of the Appellant Insurance Company had been placed on record, the Claims Tribunal could have proceeded to decide the Claim Petition.
6. In any case, if it was very essential to call the General Manager, the reasons should have been indicated in the order.
7. It has to be borne in mind that the General Manager of a public sector Insurance Company looks after a large region and he should be summoned to appear personally only when there is an exceptional circumstance.
8. The Claims Tribunal ought not to have passed an order summoning the General Manager of an Insurance Company without any substantial reason.
9. The impugned order cannot be sustained; the same is accordingly set aside.
10. The Petition is allowed in above terms.
11. Dasti under the signature of the Court Master.

(G.P. MITTAL)
JUDGE

NOVEMBER 06, 2012/v
CM(M).1201/2012