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

Date of Decision: 04.05.2016

+ **MAC.APP. 313/2013**

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
..... Appellant

Through Ms. Neerja Sachdeva, Adv.

versus

MEHNAZ & ORS.

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The insurance company challenges the direction of the motor accident claims tribunal (tribunal) by judgment dated 04.12.2012 in accident claim case (suit No.335/12) to pay the compensation awarded under Section 163A of Motor Vehicles Act, 1988 (MV Act) in favour of the claimants (first to fourth respondents) on the ground the deceased was not a third party, he being the driver of the insured vehicle, the accident having been caused by an unknown vehicle. The tribunal rejected the contention of the insurance company noting that the insurance policy (Ex.R2W1/1) is a comprehensive policy where the risk of the driver was also covered against premium specifically levied and paid for such purposes. In this view, the appeal is unmerited and liable to be dismissed.

2. From out of the amount deposited by the insurance company in terms of order dated 09.04.2013, 60% was allowed to be released by order dated 07.08.2013, the balance kept in fixed deposit receipt under the earlier orders shall also now be released. The Registrar General to take necessary steps in this regard.

3. The statutory amount shall be refunded.

4. The appeal is disposed of in above terms.

MAY 04, 2016
VLD



R.K. GAUBA
(JUDGE)