

FAO- 1017 of 1996

Date of Decision: 15.11.2017

The Oriental Insurance Company Limited

---Appellant

versus

Smt. Sheelawanti and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Rajneesh Malhotra, Advocate
for the appellant**

**Mr. Vishal Sharma, Advocate,
for respondent Nos. 4 and 5**

Rekha Mittal, J.

The present appeal directs challenge against award dated 13.12.1995 whereby compensation has been awarded with regard to death of Amir Chand in a motor vehicular accident that took place on 8.5.1993.

Counsel for the insurance company would inform that the appeal has been preferred only on the question of driver of the offending vehicle i.e. Truck No. HNX-4299 not possessing a valid licence at the time of occurrence.

Perusal of the records would reveal that appeal against respondent Nos. 2, 3 and 5 was ordered to be dismissed and the application filed by the insurance company for recall of the order of dismissal was also dismissed on 24.7.2017. The issue of driving licence is relevant in the context of the insured being guilty of committing breach of terms and conditions of the contract of insurance on the basis whereof the insurer may either claim exoneration or press for right of recovery against the insured.

As the appeal against insured (respondent No. 5) has already been dismissed by the Court, nothing survives for consideration on the issue of driving licence of the driver.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

15.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No