**R.A-CR-12-CII-2016 in**
**F.A.O No. 3990 of 2013**

**Naresh Singh and another v. Sujan Singh and others**

Present : Mr. S.S. Virk, Advocate
for the applicant/appellants.

Mr. Vinod Gupta, Advocate
for respondent No. 3.

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The present application is for reviewing the order dated 17.12.2015 passed by this Court, in view of the judgment of Hon'ble the Supreme Court in a case of ***S.Iyyapan vs. M/S United India Insurance Co. Ltd and another, 2013(2) ACJ 756 (S.C)*** wherein there was a licence to drive light vehicle but commercial vehicle was being driven. Hon'ble the Supreme Court held that Insurance Company cannot disown its liability on the ground although driver was holding a licence to drive a light motor vehicle but was driving commercial vehicle. It is the statutory right of the third party to recover the amount of compensation so awarded from the insurer. It is for the insurer to proceed against the insured for recovery of the amount in the event there has been violation of any condition of the insurance policy.

Heard learned counsel for the parties.

In the present case, while passing the award, in para No. 25, the Court below has been observed that since the licence was fake, no direction can be given to the insurance company to pay the amount and the amount was to be paid by respondent No. 1 and 2 only.

However, applying the ratio of the above said judgment to the facts of the present case, the review application is allowed and judgment dated 17.12.2015 is reviewed to the extent that respondent No. 3 is directed to pay the amount of award to the appellants with recovery rights to the Insurance Company to recover the amount from the owner and driver of the offending vehicle, if so advised, in view of the judgment passed by Hon'ble the Supreme Court in a case of ***Oriental Insurance Co. Ltd. vs. Angad Kol and others, 2009(2) RCR (Civil) 419***.

02.03.2017 **(RITU BAHRI)**
G Arora **JUDGE**