

\$~R-439

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 9th November, 2017

+ MAC.APP. 8/2012

SHRIRAM GENERAL INSURANCE COMPANY LTD.

..... Appellants

Through: Mr. Sameer Nandwani, Adv.

versus

HEERA DEVI & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant has been burdened with the liability to pay the compensation determined by judgment dated 14.11.2011 in the accident claim case (suit no. 280/2010) of the first and second respondents, against the backdrop of submissions made by the parties that the original cover note on the basis of which it was pleaded that the offending vehicle described as one bearing registration no. DL 1L J 8180, was covered by a third party insurance policy had been lost, it becoming subject matter of the police report. The appellant questions the decision of the Tribunal on the basis that such liability could not have been placed at its door.

2. It is noted that the tribunal has granted recovery rights to the appellants. It is also noted that in terms of the order dated 04.01.2012, the insurance company had deposited the entire awarded amount with the Registrar General and pursuant to such order and by order dated 09.03.2012, 50% of the said awarded amount had been released to the claimants.
3. In these circumstances, the interest of the insurer having already been duly protected by grant of recovery rights, no case is made out for exoneration.
4. The appeal is thus dismissed.
5. The balance amount lying in deposit shall now be released to the claimants. The insurer is at liberty to enforce its recovery rights by taking out appropriate proceedings before the tribunal.

NOVEMBER 09, 2017
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R.K.GAUBA, J.