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

Decided on: 2nd August, 2017

\+ MAC.APP. 304/2013

SHRIRAM GENERAL INSURANCE COMPANY LTD

..... Appellant

Through: Mr. Sameer Nandwani, Advocate

versus

ANISH AHMAD AND ORS. ..... Respondents

Through: Mr. Amrit Singh, Advocate with Mr. Shekhar Budakoti, Adv. & Mr. Satya Brata Panda, Advocate of R-3.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. While deciding the accident claim case (78/DAR/11) of the first respondent (the claimant), by judgment dated 29.08.2012, and awarding compensation in his favour on the basis of finding returned that he had suffered injuries in a motor vehicular accident that occurred on 25.08.2011 due to negligent driving of tempo bearing registration No.DL-1LM-7990 by second respondent (the driver), the liability was fastened on the appellant insurance company, it having admittedly issued the insurance policy covering the third party risk at the instance of the third respondent (the owner of the vehicle), its plea

of breach of terms and conditions of the insurance policy on the basis of evidence showing the licence held by the driver to be fake having been rejected. The tribunal, pertinently, accepted the plea of the third respondent that he had seen the driving licence and had also exercised due diligence by putting the driver to test his skills.

2. The only contention pressed in the appeal by the insurer is that the recovery rights should have been granted against the owner.

3. The tribunal, in the opinion of this Court, has correctly applied the law, its view being in accord with the rulings of the Supreme Court in *National Insurance Company vs. Swaran Singh* (2004) 3 SCC 297 and *United India Insurance Company Ltd. vs. Lehru & Ors.* (2003) 3 SCC 338.

4. The appeal is, therefore, devoid of substance.

5. Dismissed.

6. The statutory amount shall be refunded to the appellant.

R.K.GAUBA, J.

AUGUST 02, 2017
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