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

Decided on: 13th July, 2017

+ **MAC APPEAL 186/2009 and CM Nos.4920/2009 and 4922/2009**

NATIONAL INSURANCE CO. LTD. Appellant
Through: Ms. Neerja Sachdeva, Advocate

versus

SATYA PARKASH MITTAL & ORS. Respondents
Through: None

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

JUDGMENT (ORAL)

1. At the hearing on this appeal, the insurance company presses for recovery rights against the owner of the vehicle (fourth respondent) for the compensation paid by it to the first and second respondents (claimants), in terms of judgment dated 04.10.2008 of the Motor Accident Claims Tribunal on claim petition (suit no.1265/2007), on the ground that, as per the pleadings of the said registered owner and the driver (third respondent herein), the vehicle was being driven by an unauthorized person at the time of the accident. This plea only deserves to be noted and rejected. The Tribunal has concluded that such plea was false, such finding being based on proper appreciation of evidence. In the face of this conclusion, the plea for recovery rights cannot be accepted.

2. The appeal and the pending applications are dismissed.
3. The statutory amount shall be refunded.

R.K.GAUBA, J.

JULY 13, 2017

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