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

Decided on: 13th October, 2017

+ **MAC APPEAL 410/2011**

ORIENTAL INSURANCE CO. LTD. Appellant
Through: **Mr. A.K. Soni, Advocate**

versus

JAVED KHAN & ORS. Respondents
Through: **None**

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

JUDGMENT (ORAL)

1. The tribunal, by its judgment dated 25.01.2011, while deciding accident claim case (suit no.476/2010) of the first respondent seeking compensation for the injuries suffered by him in a motor vehicular accident that had occurred on 02.08.2006, fastened the liability on the insurance company / appellant (insurer) of the offending vehicle to pay the compensation thereby determined rejecting its plea of breach of the terms and conditions of the insurance policy on the ground that the second respondent (driver) was not holding a valid or effective driving licence. It is the denial of this plea which is assailed by the appeal at hand.

2. Having heard the learned counsel for the appellant and having gone through the record, this court finds no substance in the appeal. The tribunal has given cogent reasons for rejecting the defence,

particularly in absence of any evidence led by the insurer showing that the document in the nature of the driving licence, copy whereof was available, was fake. The appeal is dismissed.

3. The statutory amount shall be refunded to the insurance company.

R.K.GAUBA, J.

OCTOBER 13, 2017

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