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

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Date of Decision: 04th August, 2017

+ **MAC.APP. 563/2013**

MS. SIMINDER KAUR Appellant
Through: **Mr. Lakhbir Singh, Advocate**

versus

UNITED INDIA INSURANCE CO. LTD. & ORS..... Respondents
Through: **Mr. Sankar N Sihna, Advocate for**
Respondent No.1/Insurance Co.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. On 06th July, 2009, respondent No.2 met with an accident with a blue line bus bearing No.DL1PA 5868 and suffered injuries. Respondent No.2 filed a petition for compensation before the Motor Accident Claims Tribunal (MACT) against the driver, owner of the offending vehicle and the Insurance Company of the bus. The driver and owner of the offending vehicle chose not to appear before the Claims Tribunal and the Tribunal passed an award for Rs.19,000/- against the Insurance Company which amount has been paid and the award stands satisfied.
2. The appellant herein is the owner of the offending vehicle and he filed an application dated 17th February, 2012 before the Claims Tribunal seeking recovery of Rs.50,000/- from the respondent No.2 on the ground that the appellant has paid the said amount to the respondent No.2 in pursuance to

order dated 15th July, 2009 passed by learned Metropolitan Magistrate (West), Delhi.

3. The Claims Tribunal dismissed the application with liberty to the appellant to have recourse to civil proceedings. The reasons given by the Claims Tribunal are that the appellant chose not to appear before it; the appellant did not even file the written statement; the proceedings are over; and even the award amount has already been disbursed by the Insurance Company to the respondent No.2.

4. There is no infirmity in the award dated 22nd November, 2011 whereby compensation of Rs.19,000/- has been awarded by the Claims Tribunal to respondent No.2. Admittedly, the appellant neither appeared before the Claims Tribunal nor filed any written statement.

5. This Court agrees with the Claims Tribunal that the appellant has to avail appropriate legal remedies against respondent no.2 to recover the said amount for which liberty has already been given to him.

6. Appeal is dismissed.

AUGUST 04, 2017
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J.R. MIDHA, J.