

\$~R-201

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 316/2008**
THE NEW INDIA ASSURANCE CO.LTD. Appellant
Through: Mr. Pankaj Seth, Advocate
Versus

SAVITRI DEVI & ORSRespondents
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **14.02.2017**

In this appeal, appellant-insurer seeks recovery rights qua respondent No.6 i.e. the owner of vehicle in question, on the ground that driver of vehicle in question was not holding a valid driving licence. Impugned Award of 28th July, 2007 grants compensation of ₹2,81,000/- with interest to respondents-claimants.

During the pendency of this appeal, operation of impugned Award was not stayed. The facts noted in impugned Award needs no reproduction for the reason that no evidence has been led by appellant to establish that driver of vehicle in question was not holding a valid driving licence. Though respondent No.6 is *ex parte* but in view of the fact that there is no evidence to substantiate the plea taken by appellant, this appeal is dismissed.

Statutory deposit, if any made by appellant, be refunded as per Rules.

(SUNIL GAUR)
JUDGE

FEBRUARY 14, 2017

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