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

Decided on: 14th July, 2017

+ **MAC.APP. 270/2009 and CM No.9468/2017**

VIRENDER KUMAR SYAL APPELLANT

Through: Mr. Harihar Pratap Singh, Adv.

versus

ORIENTAL INSURANCE COMPANY LTD.

& ANR. RESPONDENTS

Through: Mr. A.K. Soni, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant's car bearing registration no.DL-8CC-6667 was involved in the motor vehicular accident which gave rise to cause of action for claim petition (suit no.165/2007) being filed by the second respondent for compensation for injuries suffered by him. The car was concededly insured against third party risk with the first respondent (insurer) for the period in question.

2. The Tribunal, while awarding compensation by judgment dated 02.01.2009, however, granted recovery rights to the insurance company against the appellant for the reason, as per the evidence then

placed before the Tribunal, there was no valid or effective driving licence held by the appellant on the date of the accident.

3. By the appeal at hand, it has been brought out from the documents submitted that the appellant was employed at the relevant point of time with Indian Air Force and was deputed with Ministry of Defence which had also issued a driving licence on the basis of the driving licence issued by the civil authorities. The licence issued by the defence authorities was valid on the date of the accident.

4. In the above facts and circumstances, the appeal is allowed. The recovery rights granted against the appellant are set aside.

5. The statutory amount shall be refunded.

6. The appeal and the pending application are disposed of in above terms.

R.K.GAUBA, J

JULY 14, 2017

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