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

Decided on: 19th July, 2017

+ **MAC APPEAL No. 490/2008**

NATIONAL INSURNACE COMPANY LTD. Appellant
Through: Mr. Pankaj Seth, Adv.

versus

SHAMA & ORS. Respondents
Through: Mr. Yogesh Chhabra, Adv. for
R-3.
Mr. Awadhesh Kumar, Adv. for
R-4.

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

JUDGMENT (ORAL)

1. On the claim petition (suit no.395/2006) of the first and second respondents in this appeal, the tribunal, by judgment dated 09.07.2008, awarded compensation directing the appellant insurance company to pay, it concededly being the insurer of the motor vehicle involved. The insurance company had raised the issue of breach of terms and conditions of the insurance policy on the ground that the driving license held by the third respondent, he being the owner and driver of the offending vehicle, was meant for driving a light motor vehicle. The contention of the insurance company that such license would not

hold good in respect of the offending vehicle, it being a goods vehicle, was rejected.

2. The appeal is pressed to reiterate the above submission and to claim recovery rights. This plea must be rejected as the law has been settled by a bench of three Hon'ble Judges of the Supreme Court in *Mukund Dewangan vs. Oriental Insurance Co. Ltd* 2017 (7) SCALE 731, which is the view taken by this Court in *New India Assurance Co. Ltd. vs Arvinder Kaur & Ors.* MAC Appeal No. 32/2006 decided on 17.02.2016.

3. The appeal is therefore, dismissed.

R.K.GAUBA, J.

JULY 19, 2017

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