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

Decided on: 6th November, 2017

+ MAC.APP. 980/2011

ORIENTAL INSURANCE CO. LTD. Appellant

Through: Mr.A.K. Soni, Adv.

versus

MRINAL PANDEY & ORS. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant, insurer of the vehicle found involved in the motor vehicular accident that occurred on 26.04.2006, its driver (second respondent) having been found to be negligent giving rise to cause of action in favour of the first respondent to seek compensation in accident claim case (suit no. 421/2009), while contesting had raised the issue of breach of terms and conditions of the insurance policy on the ground that the vehicle had been brought on road without any valid permit. This plea was not accepted by the tribunal which fastened the liability on it (the appellant) to pay compensation to the first respondent.

2. Reiterating the said plea, the present appeal was brought to seek recovery rights. It is noted that the appellant failed to take appropriate

steps to have the notice served on the second or third respondent inspite of several opportunities granted.

3. The appeal is dismissed.

4. The statutory deposit shall be refunded upon proof of the award having been satisfied, being furnished.

R.K.GAUBA, J.

NOVEMBER 6, 2017

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