

\$~R-625

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

Decided on: 04th December, 2017

+ **MAC APPEAL 1112/2012 and CM 17935/2012**

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through: Mr. Pankaj Seth, Advocate

versus

SAVITA DEVI & ORS. Respondents
Through: None

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

JUDGMENT (ORAL)

1. At the hearing on this appeal directed against judgment dated 03.08.2012 on accident claim case (suit no.10/2012), the insurance company raises only the issue of recovery rights on the ground that it was not granted effective opportunity to lead evidence to show that the document on the basis of which the driving licence had been obtained, it being valid for the period 18.06.2008 to 25.07.2014 as confirmed by the investigating police officer, was not genuine. Even if such opportunity had been granted, it would have made no difference in view of the ruling of this court in *Future Generali India Insurance Co. Ltd. Vs. Bala & Ors.*, MACA 513/2014 decided on 17.03.2016, which has been consistently followed.

2. Thus, the appeal and the pending application are dismissed.

3. In terms of order dated 16.10.2012, the insurance company had been directed to deposit the entire awarded amount with up-to-date interest and from out of such deposit, fifty percent (50%) was permitted to be released to the claimants by order dated 11.01.2013. The balance with accrued interest shall now be released to the claimants in terms of the impugned judgment.
4. The statutory amount shall be refunded to the insurer after proof is shown of the award having been satisfied.
5. The appeal and the pending application are disposed of in above terms.

DECEMBER 04, 2017

yg

R.K.GAUBA, J.