

\$~R-263

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

Decided on: 25th September, 2017

+ MAC.APP. 789/2010

ORIENTAL INSURANCE COMPANY LIMITED.... Appellant

Through: Mr. Pankaj Seth, Advocate

versus

AMIR ALI & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The insurer by the appeal at hand presses only for recovery rights against the second respondent, he being the driver-cum-owner of the offending vehicle, on account of negligent driving of which the cause of action arose in favour of the first respondent for filing accident claim case (Petition No.412/2010) leading to the impugned judgment dated 14.07.2010 being passed.

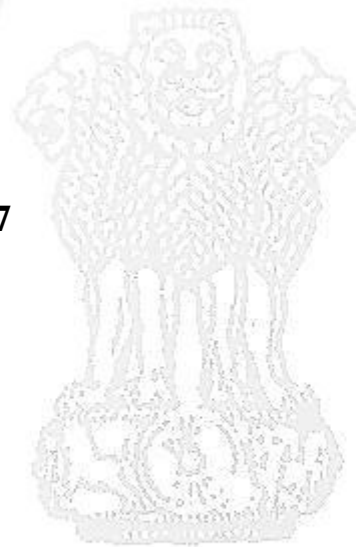
2. The contention of the insurance company is that there was breach of terms and conditions of the insurance policy as there was no valid or effective driving licence held. It is, however, fairly conceded that no evidence on this score was led during inquiry before the tribunal even by the insurance company. In this view, the appeal is dismissed.

3. By order dated 25.11.2010, the insurance company had been directed to deposit the entire awarded amount with upto date interest with the Registrar General within the period specified as a pre-condition to the stay against the execution. The amount shall be released to the claimant in terms of the impugned judgment.
4. The statutory amount shall be refunded to the appellant.
5. The appeal is disposed of in above terms.

SEPTEMBER 25, 2017

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R.K.GAUBA, J.



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