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

Decided on: 24th August, 2017

+ MAC.APP. 546/2009

RELIANCE GENERAL INSURANCE CO. LTD.

..... Appellant

Through: Mr. Arun Yadav, Advocate

versus

SAHDEV SINGH RAWAT & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. A motor vehicular accident by a van bearing registration No.DL-1LH-0312 admittedly a light motor vehicle (LMV) was the subject-matter of the inquiry in claim petition (Petition No.13/2009) instituted by the first to third respondents (the claimants). As per the averments and the evidence it was driven, at the time of the accident which gave rise to the cause of action to claim compensation, by the fourth respondent, who held a driving licence but it being valid only for light motor vehicle (NT). It is on this ground that the insurance company, while resisting the claim for indemnification, put in contest. Its defence, however, was repelled by the tribunal, the liability to pay

the compensation determined by the judgment dated 17.08.2009 having been fastened on it.

2. The appeal is pressed to reiterate the claim for recovery rights. This plea must be rejected in view of the previous decisions of this court in identical fact-situation, including MAC Appeal no. 32/2006, titled *The New India Assurance Co. Ltd. vs. Arvinder Kaur & Ors.*, decided on 17.02.2006.

3. The appeal is, therefore, dismissed.

4. By order dated 11.11.2009, the insurance company had been directed to deposit the entire awarded amount with interest with UCO Bank, Delhi High Court Branch which was permitted to release part thereof into the saving bank account of the first respondent by order dated 23.12.2009, whereby directions respecting the balance were also issued. The amounts kept in fixed deposit receipt shall now be handed over to the claimants in terms of the impugned judgment and the said directions in the previous orders.

5. The statutory amount shall be refunded to the appellant.

6. The appeal stands disposed of in above terms.

7. *Dasti.*

R.K.GAUBA, J.

AUGUST 24, 2017

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