

\$~R-638

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 4th December, 2017

+ MAC APPEAL No.1143/212 & CM APPL.18464/2012

THE NEW INDIA ASSURANCE COMPANY LIMITED

... Appellant

Through: Mr. Priyadarsi Acharya, Advocate

versus

PREM WATI & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. By judgment dated 27.08.2012, the motor accident claims Tribunal, decided accident claim case (Case No.1394/08) instituted on 16.01.2002, by first to fifth respondents, (collectively, the claimants) and fastened the liability on the appellant (insurer) to pay with interest the amount of compensation in the total sum of Rs.11,28,556/- due to death of Lal Chand, in a motor vehicular accident that had occurred on account of negligent driving of tractor-trolley bearing registration No.HR-13-8995.
2. The appeal is pressed on the ground that the driver of the offending vehicle did not hold a valid or effective driving licence.

3. On being asked, the counsel for the appellant fairly concedes that no evidence was led in this regard. The plea, therefore, is rejected.

4. The appeal is dismissed.

5. By order dated 02.11.2012, the insurer was directed to deposit the entire awarded amount along with interest with UCO Bank, Delhi High Court, New Delhi, out of which seventy per cent (70%) was ordered to be released to the claimants. The balance along with upto date interest shall now be released to the claimants in terms of the impugned award.

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

7. The appeal along with pending application stand disposed of in above terms.

DECEMBER 04, 2017

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R.K.GAUBA, J.