

\$~R-275

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

Decided on: 26th September, 2017

+ MAC APPEAL No. 838/2010 and CM APPL.22149/2010,
22151/2010

RELIANCE GENERAL INSURANCE COMPANY LIMITED

..... Appellant

Through: Mr. Arun Yadav, Advocate

versus

RITA GUPTA & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appeal at hand by the insurance company, which has been fastened with the liability to pay the compensation, determined by the tribunal, by its judgment dated 25.09.2010, in accident claim case (Suit No.56/2009) instituted by the first and second respondents (collectively, the claimants) on 12.01.2009, is pressed only to seek recovery rights against the fourth respondent, the person insured, on the ground that the third respondent, the driver of the offending vehicle in question, was not holding a valid or effective driving licence at the relevant point of time.

2. On being asked, the counsel for the appellant insurance company, however, fairly conceded that no evidence was led in support of such defence. In this view, the plea cannot be accepted.
3. No other point having been urged at the hearing, the appeal is dismissed.
4. The insurance company is directed to satisfy the award by appropriate deposit with the tribunal within thirty days.
5. The statutory amount shall be refunded upon proof of satisfaction of the award having been shown.
6. The appeal along with the accompanying applications stands disposed of in above terms.

SEPTEMBER 26, 2017
vk

R.K.GAUBA, J.