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

+ **MAC.APP. 667/2016**

IFFCO TOKIO GENERAL INSURANCE CO LTD. Appellant

Through: Mr. Pankaj Seth for Ms. Suman
Bagga, Advocate.

versus

DHARMENDER & ORS

..... Respondents

Through: Mr. Navneet Goyal, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **18.01.2018**

CM No.41640/2017

By judgment dated 30.08.2017, the appeal of the insurance company in so far it challenged the award of compensation to the first respondent (claimant) was dismissed. The insurance company had also raised the plea of breach of terms and conditions of the insurance policy. The said part of the matter was remanded to the Tribunal for further inquiry. In this view, the claimant by way of the application at hand is correct in submitting that the amount deposited by the insurance company pursuant to the order dated 07.09.2016 should be released to him, rather than being refunded to the insurance company with corresponding interest.

The direction in para 8 of the judgment dated 30.08.2017 is, thus, modified. The amount deposited by the insurance company with

corresponding interest shall be released to the claimant instead of being refunded to the insurance company, this, subject to the decision on the plea for recovery rights which is a subject matter of further inquiry before the Tribunal.

The application is disposed of with these directions.

R.K.GAUBA, J

JANUARY 18, 2018

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