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

+ MAC.APP. 713/2017 and CM 28805-28807/2017

**BAJAJ ALLIANZ GENERAL INSURANCE
COMPANY LTD**

..... Appellant

Through: Mr. Azmat H. Amanullah and Mr. Ankit
Chaturvedi, Advocate

versus

BABY SAHIN & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.08.2017

The appellant on the basis of finding in its favour accepting its plea of breach of the terms and conditions of the insurance policy, while being called upon to pay the compensation awarded in favour of the first to third respondents (collectively, the claimants) on their accident claim case (suit no.5322/2016), the Motor Accident Claims Tribunal (Tribunal) by its judgment dated 23.11.2016 has granted recovery rights to the appellant against the owner of the offending vehicle.

The learned counsel for the appellant fairly concedes that the liability towards the claimants has already been satisfied by requisite deposit being made. If this were the position, this appeal is wholly uncalled for. The insurance company is at liberty to take out

execution proceedings before the Tribunal to enforce the recovery rights.

The appeal with applications connected therewith is dismissed *in limine*.

R.K.GAUBA, J.

AUGUST 11, 2017
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