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

+ W.P.(C) 5432/2017

DEEN MOHD

..... Petitioner

Through: Mr Syed Hasan Isfahani, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Bhagvan Swarup Shukla, CGSC  
for UOI/R-1 & R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**03.07.2017**

**CM No.22865/2017**

1. Allowed, subject to all just exceptions.

**W.P.(C) 5432/2017 & CM No.22864/2017**

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(I) Issue an appropriate Writ, order/direction in the nature of mandamus, commanding the Respondent No. 3 to decide the representation dated 27.9.2016 of the petitioner (Annexure P-6) which is pending with him.

(II) Issue any appropriate Writ, direction, or order which the Hon’ble Court may deem fit in the facts and circumstances of the case and in the interest of justice.”

3. The petitioner is an owner and driver of a goods vehicle (a truck bearing no. HR 74 4679). The petitioner had taken out an insurance policy

with respect to the said vehicle.

4. The principal grievance of the petitioner is that after the vehicle met with an accident his insurance claim has been repudiated as the vehicle in question was being operated by a paid driver at the time of the incident. It is averred that the accident occurred on 15.03.2012 and at the time of the incident, the vehicle in question ( truck bearing no. HR 74 4679) was being driven by one Saleem Khan (who was a paid driver). The said vehicle met with an accident and the driver Saleem Khan was fatally injured.

5. The father of the deceased driver filed an application under Section 22 of the Workmen's Compensation Act, 1923 as he was under the employment of the petitioner and the fatal accident had occurred during the course of his employment. According to the petitioner, the liability for compensating the deceased was covered under the Insurance Policy. However, the petitioner's claims were repudiated on the ground that no premium for a paid driver was paid under the policy. Apparently, this was accepted by the Commissioner of Workmen's Compensation and the insurance company (New India Insurance Company) has escaped the liability for making payment of the workmen compensation.

6. The petitioner has sought redressal by making a representation before the Insurance Regulatory and Development Authority, which is stated to be pending. A copy of the said representation dated 27.09.2016 is also annexed with the present petition (Annexure P-6).

7. Since the petitioner is only claiming limited relief seeking disposal of his representation and no adverse order is sought, no notice need be given to the respondents.

8. The petition is disposed of with a direction to the Insurance

Regulatory and Development Authority (IRDA) to dispose of the petitioner's representation as expeditiously as possible and preferably within a period of three months from the receipt of this order.

9. The learned counsel for the petitioner shall ensure that the copy of this order is served on IRDA by speed post as well as in person.

10. It is clarified that this Court has not expressed any opinion on the maintainability or the merits of the petitioner's representation.

11. The petition is disposed of.

12. Order *dasti*.

**VIBHU BAKHRU, J**

**JULY 03, 2017**

**MK**