

\$~9 & 15 (*common order*)

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

+ MAC.APP. 706/2017 and CM APPL.28629-28631/2017
THE ORIENTAL INSURANCE CO LTD Appellant
Through: Mr. J.P.N. Shahi, Advocate with
Ms. Komal Dhingra, Advocate

versus

GANESHI DEVI & ORS (THE NEW INDIA ASSURANCE CO
LTD) Respondents
Through:

+ MAC.APP. 709/2017 and CM APPL.28771-28773/2017
THE ORIENTAL INSURANCE CO LTD Appellant
Through: Mr. J.P.N. Shahi, Advocate with
Ms. Komal Dhingra, Advocate

versus

KRISHAN CHAND & ORS (THE NEW INDIA ASSURANCE CO
LTD) Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **11.08.2017**

The judgment impugned by these appeals relate to two different accident claim cases instituted by first to fifth respondents, claimants on account of death of Mukhtiar Singh (in MAC APP.706/2017) and by first and second respondents, claimants on account of death of Kamal Kishore (in MAC APP.709/2017) and have been brought by the insurer of truck bearing registration No.UGA-9218 seeking recovery rights against the driver and

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owner of the said truck on the ground one of its defences urged during the inquiries before the Tribunal were that there was no permit covering the use of the said truck in Delhi, this being the breach of the terms and conditions of the insurance policy.

The grievance of the appellant is that though the evidence was led to prove service of notices under Order XII Rule 8 CPC to which there was no response, the Tribunal did not even discuss the said issue.

After some hearing, the learned counsel for the appellant submits, on instructions, that he may be allowed to withdraw these appeals with liberty to move the Tribunal by review petitions.

Both the appeals along with pending applications are dismissed as withdrawn with liberty to file review petitions before the tribunal.

The statutory deposit shall be refunded to the appellant in each case.

R.K.GAUBA, J.

AUGUST 11, 2017

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