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

Decided on: 22nd September, 2017

\+ MAC APPEAL No. 782/2015

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. ..... Appellant
Through: Mr. Siddharth, Adv.

versus

PREM KUMAR ALE & ORS. ..... Respondent
Through: Mr. Abhinav Dang & Mr. Nirmal Goenka, Advs. for R-1.

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

JUDGMENT (ORAL)

1. The insurer is in appeal to assail the denial of plea for exoneration or grant of recovery rights against the registered owner of the offending vehicle by judgment dated 31.07.2015 of the motor accident claims tribunal in accident claim case (MACT 240/2014) on the contention that the evidence adduced by it (insurance company) had shown that the driving licence on which reliance was placed, it purportedly having been issued by transport department at Kanpur UP was based on a document purporting to be a driving licence issued by authority in Guwahati, Assam, which was found to be fake. It is noted, however, that the evidence brought before the tribunal at the instance of the driver also showed, per the deposition of Ashutosh Shukla

(R1W1), Senior Clerk, ARTO Farrukhabad, UP that the driver did hold a valid driving licence issued by the transport authority at Farrukhabad, UP which was valid for the date of the accident and good for the offending vehicle. For purposes of the tribunal, it was sufficient to find that the driver did hold a valid and effective driving licence which was duly proved through R1W1 [see MAC Appeal No. 597/2017) dated 17th July, 2017 titled *The Oriental Insurance Company Ltd. vs. Anjleena Khungar & Ors.* and 519/2017 dated 10th August, 2017 titled *Reliance General Insurance Company Ltd. vs. Sehzee & Ors.].*

2. The appeal is, thus, dismissed.

3. The appellant had been directed by order dated 14th October, 2015, to deposit 75% of the awarded amount with the Registrar General and from out of such deposit 50% was allowed to be released to the claimants.

4. By order dated 3rd February, 2017, the insurance company had been directed to deposit the balance 25% with interest with UCO Bank, Delhi High Court Branch, the said order having been modified later on 26.04.2017 requiring such deposit in the name of the Registrar General. Some further portion was allowed to be released by order dated 29th May, 2017 and the balance kept in interest bearing fixed deposit receipts with right to draw interest on monthly basis. The fixed deposit receipts shall now be handed over to the claimant in terms of the impugned judgment.

5. The appeal is disposed of in above terms.

6. The statutory amount shall be refunded to the appellant.

R.K.GAUBA, J.

SEPTEMBER 22, 2017
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