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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 9th October, 2017

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MAC.APP. 862/2015

M/S SECURITRANS INDIA PVT LTD Appellant

Through: Mr. Harish Kumar Garg, Adv.

versus

UNITED INDIA INSURANCE CO LTD & ORS

Respondents

Through: Mr. Sameer Nandwani, Adv. for
R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the claim petition (Case No. 637/2008) of the second respondent (claimant), the Tribunal by its impugned judgment dated 23.07.2015, which also governed two other cases arising out of same motor vehicular accident, awarded compensation, fastening the liability to pay initially against the first respondent (insurer) of the offending vehicle described as Tata-407 bearing registration No. DL-ILE-9789, however granting it recovery rights against the appellant which statedly was the registered owner of the said vehicle, on the ground that the third respondent (the driver) was not holding a valid or effective driving licence in its respect at the relevant point of time.
2. The appeal at hand challenges the said grant of recovery rights placing reliance on judgment of the Supreme Court in *Kulwant Singh*

& Ors. vs. Oriental Insurance Company Ltd. JT 2014 (12) SC 110.

3. It is noted that the copy of the Registration Certificate of the offending vehicle (Annexure -1 to the appeal) shows that it is registered as a Light Goods Vehicle. Since the Tribunal itself has noted that the driver was holding a valid driving licence inclusive for purpose of light motor vehicle, the grant of recovery rights cannot be sustained.
4. The impugned judgment to the extent it granted recovery rights in favour of the first respondent and against the appellant is set aside.
5. The statutory deposit shall be refunded.
6. The appeal is disposed of in the above terms.

OCTOBER 09, 2017

mr

R.K.GAUBA, J

न्यायमेव जयते