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

+ **MAC.APP. 829/2013**

THE NEW INDIA ASSURANCE CO LTD Appellant

Through: Mr. Pankaj Seth, Advocate

versus

RAJESH KUMAR VERMA & ORS Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **19.03.2018**

The only ground urged by the insurance company in this appeal against the judgment dated 30.07.2013 of the Motor Accident Claims Tribunal (Tribunal) on the accident claim case (MAC petition 732/2009) of the first respondent (claimant) is that the second respondent (driver of the insured vehicle) had no proper endorsement on his driving licence for plying a taxi (a transport vehicle), he concededly holding a driving licence valid for light motor vehicle (non transport). The insurance company had pressed for recovery rights to be granted submitting that this constituted breach of the terms and conditions of the insurance policy. Such request of the insurance company was declined by the tribunal and in the opinion of this court, rightly so. The issue is covered by the judgment of this court in *MACA 438/2009, New India Assurance Company Ltd. Vs. Subhash Rastogi and Ors.*, decided on 25.07.2017.

The appeal is, therefore, found to be devoid of substance and is dismissed.

The statutory amount, however, shall be refunded.

R.K.GAUBA, J

MARCH 19, 2018

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