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

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+ MAC.APP. 733/2017

KAPOOR DIESEL GARAGE Appellant

Through: Ms.Ravina Kant, Advocate

versus

NEW INDIA ASSURANCE CO LTD Respondent

Through: Ms.Vandana Surana, Advocate for
respondent no.1.

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+ MAC.APP. 734/2017

KAPOOR DIESEL GARAGE PRIVATE LIMITED Appellant

Through: Ms.Ravina Kant, Advocate

versus

NEW INDIA ASSURANCE CO LIMITED & ORS Respondents

Through: Ms.Vandana Surana, Advocate for
respondent no.1.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **11.04.2018**

1. The appellant has challenged the impugned award dated 15th November, 2016 to the limited extent insofar as the Claims Tribunal has given recovery rights to respondent no.1 to recover the award amount from the appellant.
2. The appellant is relying upon the report dated 25th February, 2015 issued by the District Transport Officer, Tuensang, Nagaland confirming the driving licence of the driver to be genuine.
3. Vide order dated 28th November, 2017, respondent no.1 was directed

to verify the driving licence of the driver as well as the verification report dated 25th February, 2015.

4. Learned counsel for respondent no.1 submits on instructions from respondent no.1 that the driving licence of the driver has been found to be genuine. In that view of the matter, the recovery rights granted by the learned Claims Tribunal are liable to be set aside.

5. The appeals are allowed and the recovery rights granted by the Claims Tribunal to respondent no.1 to recover the award amount from the appellant are hereby set aside.

J.R. MIDHA, J.

APRIL 11, 2018

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