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

+ **MAC.APP. 17/2018 & CM Nos.316-318/2018**

SUKHBIR BHARDWAJ

..... Appellant

Through: Mr. Rajat Aneja with Ms. Chandrika
Gupta, Advocates.

versus

JAGBIR SINGH & ORS (THE ORIENTAL INSURANCE CO LTD)

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.01.2018**

After some hearing, the learned counsel for the appellant submitted, on instructions, that he may be allowed to withdraw the present appeal and the applications filed therewith and instead approach the Motor Accident Claims Tribunal for review of the judgment dated 29.05.2017 passed on the file of accident claim case No. 6256/2016 in so far as it granted recovery rights against the appellant in favour of the insurer (sixth respondent) since the relevant law on the subject declared by the Supreme Court as reported in *United India Insurance Company Ltd. v. Lehu & Others: 2003 (3) SCALE 181* and *National Insurance Co. Ltd. v. Swaran Singh and Others: (2004) 3 SCC 297* were not even considered by the learned Tribunal.

The appeal and the applications filed therewith are dismissed as withdrawn with liberty as prayed granted subject to the condition, however, that the appellant will have to approach the Tribunal within 30 days hereof with the review application. The recovery rights will not be enforced during the said period of 30 days. In the event of review application being filed within the period specified, the Tribunal will consider extending the protection till adjudication on the review application.

Dasti under signatures of Court Master.

R.K.GAUBA, J.

JANUARY 05, 2018

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