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

+ MAC.APP. 1090/2017

IFFCO TOKIO GENERAL INSURANCE CO LTD..... Appellant
Through: Mr. Varun Sarin, Adv.

versus

JATIN KUMAR & ORS Respondents
Through: Mr. Bijay Kumar, Adv. for R1.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
11.05.2018

1. The appellant has challenged the award dated 25th July, 2017 whereby compensation of Rs.2,70,000/- has been awarded to respondent No.1.
2. The accident dated 31st January, 2017 resulted in grievous injuries to respondent No.1 who filed application for compensation against the appellant as well as respondents No. 2 and 3.
3. Respondent No.2 contested the claim on the ground that respondent No.2 had taken an insurance policy from the appellant before the accident. According to the respondent No.2, the premium for the insurance was paid to the appellant on 31st January, 2017 at 10:22:09 A.M. and the accident occurred on the same day at 05:00 P.M. Respondent No.2 claims that the risk of insurance started on 31st January, 2017 at 10:22:09 A.M. when the premium was paid.
4. According to the appellant, the insurance policy was issued w.e.f. 01st February, 2017 and, therefore, the vehicle was not insured at the time of the accident. According to the appellant, in cases of break of insurance, the risk is covered after one day of the payment of the premium as per the well

settled policy of the insurance company.

5. After some hearing, respondent No.2 present in Court agrees to pay the entire compensation amount to respondent No.1 subject to respondent No.1 giving his no objection to the quashing of the FIR.

6. Respondent No.1 present in Court along with his counsel has no objection to the quashing of the FIR. Respondent No.1 agrees to appear before the concerned Court to give his no objection.

7. Learned counsel for respondent No.2 submits that the criminal case is listed before the Metropolitan Magistrate, Saket Courts on 18th July, 2018.

8. The respondent No.2 is directed to deposit the entire award amount with the Registrar General of this Court within four weeks from today. The particulars of the deposit of the award amount be given to respondent No.1 who shall thereafter appear before the concerned Court on 18th July, 2018.

9. In view of the statement made by respondent No.2 to deposit the entire award amount, the appeal is allowed and the appellant is exonerated from the liability to pay the award amount to respondent No.1. The amount deposited by the appellant as well as statutory amount be refunded back to the appellant along with interest accrued thereon.

10. List for disbursement of the compensation amount to be deposited by respondent No.2 to respondent No.1 on 23rd July, 2018 at 02:30 P.M.

11. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 11, 2018
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