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

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Date of Decision: 03rd March, 2020

+ MAC.APP. 65/2016 & CM APPLs. 2334/2016, 10147/2017,
39115/2018

SADDIQ BEG

..... Appellant

Through: Mr. Inderjeet Yadav, Advocate

versus

ICICI LOMBARD GENERAL
INSURANCE CO LTD & ORS

..... Respondents

Through: Mr. Pankaj Gupta, Advocate for
Ms.Suman Bagga, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (ORAL)

1. The appellant has challenged the award dated 4th September, 2013 whereby the Claims Tribunal awarded the compensation of Rs.44,38,116/- to the claimants.
2. The Claims Tribunal granted recovery rights to the insurance company to recover the award amount on the ground that appellant was not having fitness certificate in respect of the offending vehicle. The appellant is aggrieved by the recovery rights granted by the Claims Tribunal against the appellant.
3. Learned counsel for the appellant submits that the appellant has led the additional evidence of the Road Transport Office to prove the valid fitness certificate. Reference is made to the statement of AW-1/1 from Road

Transport Office, Ajmer who proved the fitness certificate Ex.AW-1/2 as well as entry of the fitness certificate in the record as Ex.AW-1/3.

4. No rebuttal evidence has been led by respondent No.1. The appeal is allowed and the recovery rights granted by the Claims Tribunal to respondent No.1 are hereby set aside. The pending applications are disposed of.

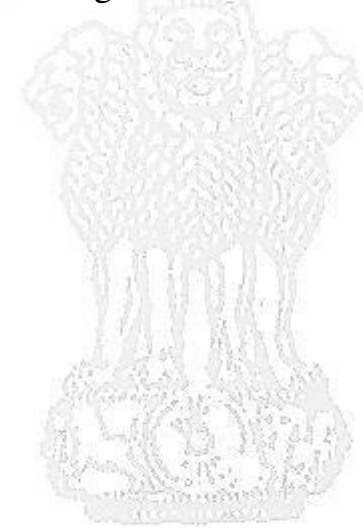
5. The statutory amount be refunded back to the appellant along with the interest accrued thereon.

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

J.R. MIDHA, J.

MARCH 03, 2020

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