

6th September, 2021
(D/L 16)
(SKB)

F.M.A. 984 of 2016
(Via Video Conference)

IFFCO TOKIO General Insurance Company Limited
Versus
Birjan Das and another

Mr. Rajesh Singh
... for the appellant/Insurance Company

Learned counsel appearing for the appellant submits that he has instructions to withdraw this appeal as claimant has already received the compensation amount in the execution proceeding. The copy of the 'Information Slip' issued by the Court below and produced by the appellant, confirming that insurer has deposited the awarded sum with interest in the Tribunal, be kept with the records.

Learned Advocate prays for an order to proceed against the owner of the vehicle for recovery of the awarded sum paid to the claimant. In view of the evidence produced by the insurer and specific ground taken in its Memorandum of appeal that the driver of the offending two wheeler did not have a driving licence to drive a two wheeler, appellant insurer is given liberty to recover the compensation amount from the owner of the offending vehicle, in accordance with law.

With the aforesaid directions, the instant appeal is disposed of.

The Registrar General is directed to refund the statutory deposit of Rs.25,000/- along with accrued interest till date, to the advocate appearing on behalf of the appellant.

There shall be no order as to costs.

In view of the disposal of this appeal, connected application, if any, is also disposed of. The Registry is directed to send down the lower court records at once, if received by this time.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Shekhar B Saraf, J.)