

BEFORE THE NATIONAL LOK ADALAT,
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

(573)

FAO No.246 of 2013 (O&M)

RAJWANT KAUR V/S PHOOL MATI AND ORS

Present: Mr.Rajesh K. Sharma, Advocate, for
Mr.Navin Kapur, Advocate,
for the appellant.

Appeal against respondent Nos.1 to 7
already dismissed vide order dated 04.03.2014.

Mr.Rajbir Singh, Advocate along with
Mr.Arun Kumar, Legal Manager,
ICICI Lombard General Ins. Co. Ltd. - respondent No.8.

Respondent No.9 ex parte
vide order dated 30.06.2015.

CM No.1364-CII-2013

This is an application filed under Section 151 of the C.P.C. for
condonation of delay of 24 days in re-filing the appeal.

For the reasons stated in the application, which is duly
supported by an affidavit, delay of 24 days in re-filing the appeal is
condoned.

Application is allowed.

Main case

The present appeal has been filed by the owner of the offending
vehicle challenging the award dated 3rd August, 2012 (corrected on 27th
August, 2012) to the limited extent of the Insurance Company (which is
respondent No.8 before this Court) having been given the recovery rights
against respondent No.1-Chaman Lal (driver of the offending vehicle) and
respondent No.2-Smt.Rajwant Kaur (owner of the offending vehicle) by the

Tribunal.

Learned counsel for the parties have jointly submitted that recovery rights, which have been granted to the ICICI Lombard General Insurance Company Limited-respondent No.8, as detailed in para No.17 of the impugned judgment, be not enforced and the award be modified to the extent that respondent No.8 would have no recovery rights.

Learned counsel appearing for respondent No.8, Mr.Rajbir Singh, Advocate, has given statement, which is reproduced herein below:-

“Statement of Sh.Rajbir Singh, Advocate with Arun Kumar Verma Legal Manager/authorized representative of ICICI Lombard General Insurance Company Limited.

I have instructions from respondent No.- ICICI Lombard General Insurance Company Ltd. to forgo the recovery rights as granted to company vide impugned award passed by Ld. MACT, Panchkula against appellant (owner of offending vehicle). His appeal may kindly be disposed off.

RO/AC

Signatures:_____

Name of the Officer with Mobile Number and e-mail I.D:

Sd/- Rajbir Singh Sd/-Arun Kumar Verma
Advocate Legal Manager

Mob:9855521626

Email Id: rajbirsinghadvocate81@gmail.com

Place:Chandigarh

Dated: 13.08.2022”

Keeping in view the abovesaid facts and circumstances, the impugned order dated 3rd August, 2012 (corrected on 27th August 2012) is modified to the extent that respondent No.8 would have no recovery rights

against the appellant-Rajwant Kaur (owner of the offending vehicle) and Chaman Lal (driver of the offending vehicle).

With the abovesaid modification, the present appeal is disposed of.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

13.08.2022

P.Seth

(VIKAS BAHL)
PRESIDENT

(PAWAN KUMAR MUTNEJA)
MEMBER