

CM-3356-CII-2022 in/and
FAO-2846-2017
Date of Decision: 29.03.2022

The Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

CM-18301-CII-2019 and
CM-3351-CII-2022 in/and
FAO-3087-2017

Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

CM-3353-CII-2022 in/and
FAO-3086-2017

Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

CM-3352-CII-2022 in/and
FAO-3101-2017

Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

CM-3355-CII-2022 in/and
IN FAO-3102-2017

Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

CM-3354-CII-2022 in/and
FAO-3103-2017

Jhagroli Co-Operative TPT Society Ltd. ...Appellant

Versus

ICICI Lombard General Insurance Co. Ltd. and others ...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. S.S. Khurana , Advocate for the appellant.

Mr. Rajbir Singh, Advocate
for respondent No.1/Insurance Company.

B.S. Walia, J. (Oral)

1. This order shall decide FAO-2846-2017, FAO-3087-2017, FAO-3086-2017, FAO-3101-2017, FAO-3102-2017 and FAO-3103-2017, since the aforementioned appeals arise out of connected award passed by the learned Motor Accident Claims Tribunal, Rewari, in respect of the same accident.

2. Learned counsel for respondent No.1/ICICI Lombard General Insurance Company has moved applications in all the aforementioned appeals, waiving recovery rights granted to the Insurance Company against the owners of the offending vehicle i.e. the appellant herein.

3. Notice of the applications.

4. Mr. S.S. Khurana, Advocate, accepts notice on behalf of the non-applicant/appellant and states that he has no objection if the applications are allowed. Accordingly, in view of the position noted above, the applications are allowed.

5. Brief facts leading to the filing of the instant appeals are that an accident took place on 15.03.2010, between the vehicles owned by the appellant and respondent No.3, resulting in injuries to other respondents/claimants in the appeals herein, as a consequence whereof, the respondents/claimants filed Claim Petition Nos.162, 197, 195, 196,

198 and 108 of 2010, wherein award was passed in respect of all the cases

holding them entitled to compensation as per details given in the respective awards and holding respondent No.1 liable to make payment to the claimants/respondents while granting rights to respondent No.1/Insurance Company to recover the compensation paid to the respondents/claimants in terms of the award from the appellant and respondent No.3. Owner of one of the offending vehicles has filed the instant appeals challenging the grant of recovery rights to respondent No.1/ICICI.

6. In view of the applications having been filed by respondent No.1/ICICI, praying for acceptance of appeals filed by the owner/appellantfor waiving its right of recovery as granted vide the impugned award, nothing survives for adjudication in the instant appeals, accordingly the appeals are allowed, awards passed by the learned Motor Accident Claims Tribunal, Rewari, are modified to the extent noted above and right of recovery as was granted to respondent No.1/Insurance Company against the appellant is set aside.

7. Appeals disposed of in the aforementioned terms.

(B.S. Walia)
Judge

29.03.2022
rajesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No