

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

**531 CM-27483-CII-2018 in/and
 FAO-8224-2018 (O&M)**

Rajesh Kumar VS ICICI Lombard General Insurance and ors

Present: Mr. Divay Sarup, Legal Aid Counsel
 for the appellant.

 Mr. Rajneesh Malhotra, Advocate,
 for the insurance company.

CM-27483-CII-2018

The matter is taken up in the National Lok Adalat.

Reply has been filed by the insurance company to the application filed by the applicant-appellant under Section 5 of the Limitation Act for condonation of delay of 2108 days in filing the appeal.

Learned counsel for the insurance company has informed that the matter has been finally settled between the parties.

In view of the circumstances, the application is allowed and the delay of 2108 days in filing the appeal is hereby condoned.

FAO-8224-2018 (O&M)

The Tribunal vide Award bearing MACT-47-2009, passed on 05.12.2012, allowed the claim petition and awarded a sum of ₹2,46,800/- to Dharma Devi and others-claimants (respondents in the present appeal). However, while deciding issues No. 2 and 3, a finding was recorded by the Tribunal that the insurance company shall be under obligation to pay the amount of compensation to the claimants and shall be entitled to recover the same from the insurer/owner later on.

Learned counsel for the insurance company informs that the company has waived off the recovery rights awarded by the Tribunal to recover the compensation from the insured-appellant (respondent No. 2 before the Tribunal). Even Mr. Aditya Sharma, who is the Manager, Legal Head, of the respondent-insurance company has made a statement to this effect.

By way of the settlement, now the insurance company has given up the right of recovery against the appellant-owner of the vehicle, as such the present appeal filed by the appellant Rajesh Kumar stands allowed as compromised.

Disposed of accordingly.

(HARPREET KAUR JEEWAN)
PRESIDENT

February 11, 2023
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(JAI VIR YADAV)
MEMBER