

NATIONAL LOK ADALAT

526

CR-2714-2018 (O &M)

ISHARWAL COOP TRANSPORT SOCIETY LTD.

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD.

Present : None for the appellant.

Mr. Rajbir Singh, Advocate and Mr. Aditya Sharma, Advocate
for respondent-ICICI Lombard General Insurance Co.

The present Civil Revision had been preferred against the order dated 02.04.2018 passed by the Motor Accident Claims Tribunal, Hisar vide which the application of the appellant for recalling the order dated 28.09.2017 has been dismissed.

Counsel appearing on behalf of respondent-ICICI Lombard General Insurance Co. contends that vide impugned award dated 28.09.2017 (Annexure P-4), the respondent-Insurance Co. had been granted a right of recovery of the awarded amount, from the Appellant-Cooperative Transport Society Ltd.

During the course of execution, a certificate under Section 174 was prepared for effecting recovery and had been sent to the Collector. An application for recall was hence submitted by the appellant before the Executing Court and on dismissal thereof, the present writ petition has been filed.

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He contends that grievance of the appellant-Cooperative Transport Society Ltd. is only to the extent of the recovery rights being granted to the respondent-Insurance Company and that he has instructions that the Insurance Company would not press for the recovery rights and an affidavit of an authorized representative in this regard has already been filed. He contends that there would be no grievance left with the petitioner since the Insurance Company has already been given up its case of recovery.

The present petition is accordingly disposed of as having been rendered infructuous in view of the statement made by the Counsel for respondent-Insurance Company foregoing the recovery rights.

(VINOD S. BHARDWAJ)
President

(G.S PUNIA)
Member

MARCH 09, 2024

Vishal sharma