



Daily Lok Adalat

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Bench No.1

FAO-6180-2019 (O&M)

SURENDER AND ANOTHER V/S RAJ KUMAR AND ANOTHER

Present:- Mr. J.P. Sharma, Advocate for the appellants

Mr. Anil Saini, Advocate for respondent No.1.

Mr. Lalit Garg, Advocate with
Ms. Vasudha Sharma, Manager and
Ms. Naginder Kaur, Deputy Manager
for New India Assurance Co. Ltd.

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This appeal has been filed by the driver and owner against the impugned award dated 14.12.2018 passed by MACT, Narnaul whereby the recovery rights have been given to the Insurance Company to recover the amount of compensation from the driver and owner, who are the appellants (herein). In the award, it was specifically held that insured vehicle was being plied without permit and therefore, the terms and conditions of the insurance policy stood violated.

On 13.11.2019, when the matter came up for hearing, this Hon'ble High Court while issuing notice of motion, made it clear that no recovery shall be effected from the appellants.

Thereafter, on the request of learned counsel for the Insurance Company, the case has been referred to this Forum for settlement.

Before this Forum, learned counsel for the Insurance Company had sought several adjournments to verify the route permit. Today, Ms. Vasudha Sharma, Manager along with Ms. Naginder Kaur, Deputy Manager, New India Assurance Co. Ltd. have made a joint statement before this Forum that route permit of truck No.HR-73-3060 for the period w.e.f. 28.03.2017 to 27.03.2018 has been verified and it was valid on the date of accident, which had taken place on 15.07.2017. In view of this situation, no recovery would be made from the

appellants i.e. driver and owner of the offending vehicle.

In view of the statement made by representatives of the Insurance Company that no recovery is to be effected from the driver and owner of the offending vehicle, the appeal filed by them has become infructuous and is disposed of accordingly.

Statutory amount of Rs.25,000/- deposited by the appellants at the time of filing the appeal, be refunded to the appellants, as per rules.

(J.C. VERMA)
PRESIDENT

16.05.2024
Atul

(ARVIND KUMAR)
MEMBER