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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 51/2023**

DELHI TRANSPORT CORPORATIONAppellant

Through: Ms. Aditi Gupta, Advocate.

versus

**YASH AGGARWAL & ORS. (UNITED INDIA INSURANCE
COMPANY LTD.)**Respondents

Through: Mr. Mayank Khurana, Mr. Mahender
Kumar & Mr. Akash Tomar,
Advocates for R-1.

Mr. Pradeep Gaur, Advocate for
Insurance Company through VC.

Mr. S.N. Parashar, Advocate for
R-2/Driver.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.11.2024

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1. The present Appeal under *Section 173 of the Motor Vehicles Act, 1988* has been filed on behalf of the Appellant, Delhi Transport Corporation i.e. the owner of the offending vehicle, against the Award dated 21.07.2022 and Order dated 06.08.2022, whereby the Review Application of the Appellant was dismissed by the learned Tribunal.

2. *The short ground of challenge* is that the vehicle i.e., the DTC Bus bearing No. DL-IPC-0406, was admittedly insured with the Insurance Company and there was no statutory defence available to the Insurance Company to seek the recovery from the owner. However, in Paragraph-51



of the impugned Award dated 21.07.2022, it has been observed that the driver, owner/DTC and the Insurance Company are liable to pay the entire award amount and consequently had been directed to deposit the compensation amount.

3. *Learned counsel for the Appellant* submits that once the vehicle was validly insured, the liability to indemnify the owner is on the Insurance Company and there could be no separate direction made against the appellant to deposit the compensation amount along with the Insurance Company.

4. **Submissions heard.**

5. It is not in dispute that the vehicle which is DTC Bus was duly insured with the Insurance Company and there is no statutory defence. Consequently, the Paragraph-51 of the Impugned Award is hereby clarified to say that the compensation was liable to be paid by the DTC being the owner. However, the same shall be indemnified by the Insurance Company with which the DTC Bus was duly insured.

6. In view of above, the present Appeal is disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2024

S.Sharma