

(2006) 05 RAJ CK 0030
In the Rajasthan High Court

National Insurance Company Ltd.

APPELLANT

Vs

Shardul Singh through LR's.

RESPONDENT

Date of Decision : 23-05-2006

Acts Referred:

Citation : (2007) 1 RLW 655

Hon'ble Judges : K.S. Rathore, J

Bench : Single Bench

Judgement

K.S. Rathore, J.—Service upon the driver respondent No. 2 being formal is dispensed with.

2. Heard learned Counsel for the parties and perused the impugned award dated 31.1.2001 passed by the MACT, Jhunjhunu.

3. This appeal is preferred by the appellant on the ground that the driver was not having valid license at the time of accident, therefore, the Insurance Company is not liable to make the payment of amount awarded by the Claims Tribunal.

4. The Hon'ble Supreme Court and this Court in catena of judgments is of the considered view that the Insurer has to first satisfy the award then it can recover the same from the responsible person. In view of ratio decided by Hon'ble Supreme Court and this Court, this issue is decided against the owner of the vehicle and in favour of the Insurer. The Insurance Company is directed to satisfy the award passed by the Claims Tribunal and then it can recover the same from the responsible person by initiating the proceedings before the executing Court.

5. With the aforesaid observation, the misc. appeal stands disposed of.