

(2017) 11 DEL CK 0576
In the Delhi High Court
Case No : MAC. Appeal No. 8 Of 2012

Shriram General Insurance Company Ltd	APPELLANT
Vs	
Heera Devi & Ors	RESPONDENT

Date of Decision : 09-11-2017

Acts Referred:

Citation : (2017) 11 DEL CK 0576

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : Sameer Nandwani

Final Decision : Dismissed

Judgement

R.K.Gauba,Â J

1. The appellant has been burdened with the liability to pay the compensation determined by judgment dated 14.11.2011 in the accident claim case

(suit no. 280/2010) of the first and second respondents, against the backdrop of submissions made by the parties that the original cover note on the

basis of which it was pleaded that the offending vehicle described as one bearing registration no. DL 1L J 8180, was covered by a third party

insurance policy had been lost, it becoming subject matter of the police report. The appellant questions the decision of the Tribunal on the basis that

such liability could not have been placed at its door.

2. It is noted that the tribunal has granted recovery rights to the appellants. It is also noted that in terms of the order dated 04.01.2012, the insurance

company had deposited the entire awarded amount with the Registrar General and pursuant to such order and by order dated 09.03.2012, 50% of the

said awarded amount had been released to the claimants.

3. In these circumstances, the interest of the insurer having already been duly protected by grant of recovery rights, no case is made out for exoneration.

4. The appeal is thus dismissed.

5. The balance amount lying in deposit shall now be released to the claimants. The insurer is at liberty to enforce its recovery rights by taking out appropriate proceedings before the tribunal.