

**(2017) 11 DEL CK 0690**

**Delhi High Court**

**Case No:** MAC. Appeal No. 980 Of 2011

Oriental Insurance Co. Ltd

APPELLANT

Vs

Mrinal Pandey & Ors

RESPONDENT

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**Date of Decision:** Nov. 6, 2017

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

**Bench:** Single Bench

**Advocate:** A.K. Soni

**Final Decision:** Dismissed

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### **Judgement**

R.K.Gauba, J

1. The appellant, insurer of the vehicle found involved in the motor vehicular accident that occurred on 26.04.2006, its driver (second respondent)

having been found to be negligent giving rise to cause of action in favour of the first respondent to seek compensation in accident claim case (suit no.

421/2009), while contesting had raised the issue of breach of terms and conditions of the insurance policy on the ground that the vehicle had been

brought on road without any valid permit. This plea was not accepted by the tribunal which fastened the liability on it (the appellant) to pay

compensation to the first respondent.

2. Reiterating the said plea, the present appeal was brought to seek recovery rights. It is noted that the appellant failed to take appropriate steps to

have the notice served on the second or third respondent inspite of several opportunities granted.

3. The appeal is dismissed.

4. The statutory deposit shall be refunded upon proof of the award having been satisfied, being furnished.