



\$~49

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

+ **MAC.APP. 78/2022**

SANDEEP KUMAR Appellant
Through Mr. K.K. Sharma, Advocate.

versus

FUTURE GENERALI INSURANCE COMPANY LTD & ANR.
..... Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

% **ORDER**
21.03.2022

CM. APPL. 13518/2022

Exemption allowed, subject to all just exceptions.

MAC.APP. 78/2022 & CM. APPLS. 13517/2022, 13519/2022, 13520/2022

1. Appellant impugns award dated 31.05.2017, to the limited extent that recovery rights have been granted against the appellant to the insurance company.
2. Learned counsel for the appellant submits that recovery rights have been granted solely on the ground that the officer of the transport department had stated that the driving license was fake.
3. He submits that the driving license is genuine and had even been confirmed in a response under the Right to Information Act and



the said document was duly placed before the Tribunal and despite the same being on record and confirming that the driving license is genuine, Tribunal has erred in granting recovery rights against the appellant.

4. Learned counsel submits that since the vehicle was insured, the proceedings were being defended by the counsel and the appellant was not aware that recovery rights had been granted against the appellant till the insurance company filed execution proceedings against the appellant.

5. Issue notice.

6. Since the appeal is limited to grant of recovery rights, service of respondent No.2 is dispensed with.

7. Notice shall issue to respondent No.1 through nominated counsel, returnable on 07.12.2022.

8. Digital copy of the Tribunal's record be requisitioned.

9. In the meantime, operation of the impugned award dated 31.05.2017 to the limited extent that it grants recovery rights against the appellant shall remain stayed.

SANJEEV SACHDEVA, J

MARCH 21, 2022

NA