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

+ **RFA(COMM) 75/2024**

P.C. JEWELLER LTD.

..... APPELLANT

Through: Mr Roshan Santhalia with Ms Puja
Jakhar, Advs.

versus

TATA AIG GENERAL INSURANCE COMPANY
LIMITED & ANR.

..... RESPONDENTS

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.02.2024**

[Physical Court Hearing/Hybrid Hearing (as per request)]

CM Appl.12400/2024

1. Allowed, subject to just exceptions.

CM Appl.12401/2024 [*Application moved by the appellant for
condonation of delay of 137 days in re-filing the appeal*]

2. This is an application moved on behalf of the appellant seeking
condonation of delay in re-filing the appeal.

2.1 According to the appellant, there is a delay of 137 days.

3. Since the delay is in re-filing the appeal, we are inclined to condone
the same.

3.1 It is ordered accordingly.

4. The application is disposed of.

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5. This appeal is directed against the judgment dated 17.07.2023 passed by the District Judge (Commercial Court), North West District, Rohini Courts, Delhi.

6. The moot point which arises for consideration in the appeal is whether the insurance claim lodged by the appellant could have been rejected on the ground that the driving license possessed by the driver was “suspended” at the time when the accident occurred.

6.1 We may note that it has been the stand of the appellant that the subject driving license was, not suspended but, impounded for 90 days for a jumping red light, and was returned thereafter.

7. Issue notice to the respondents *via* all permissible modes, including e-mail.

8. List the matter on 12.07.2024.

9. Meanwhile, the Registry will summon the trial court record, *albeit* in digitized form.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 29, 2024

pmc

Click here to check corrigendum, if any

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