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

+ MAC.APP. 993/2018

SHRIRAM GENERAL INSURANCE CO LTD Appellant
Through: Mr. Ankit Kalra, Advocate.

versus

BALENDER (DECEASED) THR LRS & ORS Respondents
Through: Mr. Akash Nagar, Advocate.

+ MAC.APP. 994/2018

SHRIRAM GENERAL INSURANCE CO LTD Appellant
Through: Mr. Ankit Kalra, Advocate.

versus

MONU @ INDERJEET (DECEASED) THR LRS & ORS Respondents
Through: Mr. Akash Nagar, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

% **ORDER**
07.01.2022

CM APPL. 43095/2021 IN MAC.APP.993/2018
CM APPL. 42996/2021 IN MAC.APP.994/2018

1. The hearing was conducted through video conferencing.
2. Learned counsel appearing for the applicant relies on the decision of the Supreme Court in *Manuara Khatun & Ors vs. Rajesh Kr. Singh & Ors*, (2017) 4 SCC 796 to contend that in the case of



gratuitous passengers the insurance company is not absolved of the liability but the principle of “pay and recover” would be applicable and the insurance company would be liable to first satisfy the award and then seek recovery from the owner of the vehicle.

3. Learned counsel for the appellant insurance company submits that they have no objection to the amount being disbursed subject to the grant of recovery rights against the owner of the vehicle.

4. In view of the above and without prejudice to the right of the insurance company to claim recovery rights against the driver and owner, the Tribunal is directed to disburse the amount to the claimants as per the scheme of disbursal.

5. Issue notice to respondent Nos.4 & 5, returnable on 14.07.2022.

6. Digital copy of the Tribunal’s record be requisitioned.

7. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JANUARY 7, 2022

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