

**ICICI Lombard General Insurance Co. Ltd. vs. Ratti
Devi a/w connected matter**

FAO No.329 of 2023 a/w FAO No.23 of 2023

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27.02.2026 Present: Mr. D. N. Sharma, Advocate, for the appellant.

Mr. Pankaj, Advocate, vice Mr. Sunil Kumar, Advocate, for respondent No.1.

Ms. Anchal Singh, Advocate, for respondents No.2 to 4.

Mr. Jagdish Thakur, Advocate, for respondents No.5 & 6.

FAO No.23 of 2023

Mr. Jagdish Thakur, Advocate, for the appellants.

Mr. Pankaj, Advocate, vice Mr. Sunil Kumar, Advocate, for respondent No.1.

Ms. Anchal Singh, Advocate, for respondents No.2 to 4.

Mr. D. N. Sharma, Advocate, for respondent No.5.

CMP No.28313 of 2025 in FAO No.23 of 2023

The pleadings are complete. A perusal of impugned order dated 26.09.2022 reflects that the present case is one of pay and recover wherein present non-applicants/appellants had been ordered to make the payment of compensation amount and thereafter recover the same from respondent No.5.

Learned counsel appearing on behalf of the non-applicants/appellants-Insurance Company vehemently opposes the present application for release, as according to him, in the case of gratuitous passenger, an order of pay and recover cannot be passed. In support of his contention, the learned counsel has placed reliance upon the following judgments: (i) ***NIC Ltd. vs. Cholleti Bharatamma, 2008(1) SCC 423***; (ii) ***NIAC***

Ltd. vs. Asha Rani, 2003(2) SCC 233; (iii) NIC Ltd. vs. Baljit Kaur, 2004(2) SCC 1; (iv) Shamanna and another vs. Divisional Manager, Oriental Insurance Company Limited, 2018(9) SCC 650; (v) Bharti Axa GIC Ltd. vs. Aandi, 2019(3) ACJ 1975; and UIIC Ltd. vs. Nirmala Devi and others, 2020(4) ACJ 2044.

Faced with the aforesaid, learned counsel for the applicants seeks time to go through the same.

List on **10.04.2026**.

February 27, 2026 ^(KS)

**(Bipin C. Negi)
Judge**