



ICICI Lombard General Ins. Co. vs. Suresh Kumar

FAO No. 81 of 2024

05.06.2025 Present: Mr. Manish, Advocate vice Mr. Jagdish Thakur, Advocate for the appellant.

Mr. Mukul Sood, Advocate for respondent No.1.

None for respondents No.2 and 3.

FAO No. 81 of 2024

Mr. Mukul Sood, Advocate, appearing for respondent

No.1 submits that he was not instructed by respondent No.2 at any point of time to appear on his behalf. However, from the record, it transpires that his presence has been marked for respondent No.1 as well as respondent No.2. He further submits that respondent No.1 is claimant, whereas respondent No.2 is driver of the car involved in accident and there is clash of interest and thus, even if respondent No.2 would have approached him, he would not have represented him.

On 21.09.2023, Mr. Rajesh Verma, Advocate, had appeared for respondent No.2 and had filed Memo of Appearance on behalf of respondent No.2. But thereafter neither Power of Attorney was filed nor Mr. Rajesh Verma, Advocate, appeared on behalf of respondent No.2.

Mr. Mukul Sood, Advocate, further submits that because of recording his presence for respondents No.1 and 2 at the time of admission, fresh post admission notice has not been issued to respondent No.2, whereas like respondent No.3 such notice also requires to be issued to respondent No.2.



2026:HHC:8349

Submissions made by Mr. Mukul Sood, Advocate, are in consonance with record. Therefore, Appellant-Insurance Company is directed to take appropriate steps for service of respondent No.2 as well as respondent No.3.

On taking such steps within two weeks, post admission notices, returnable on next date, be issued to respondents No.2 and 3.

List on *28th July, 2025.*

CMP No. 3321 of 2024

Learned counsel for appellant submits that amount has been deposited by the Insurance Company during pendency of application filed for condonation of delay in furtherance to order dated 21.9.2023 passed in CMP No. 11443 of 2023. If so, order dated 15th March, 2024 is made absolute during pendency of present appeal, subject to alteration, modification and vacation on motion.

Application stands disposed of.

June 05, 2025
(ms)

(Vivek Singh Thakur)
Judge