

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: May 31, 2018

+ **MAC APP 119/2015 & CM No. 2437/2015**

M/S. RAMA SERVICE STATIONAppellant
Through: Mr. Sashil Mongia, Advocate

Versus

GURDAYAL SINGH VERMA & OPRS. (BAJAJ ALLIANZ
GENERAL INSURANCE CO. LTD)Respondents
Through: Mr. Pradeep Gaur, Advocate for R-
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AND

MAC APP. No. 314/2015

M/S.BAJAJ ALLIANZ GENERAL INS.CO.LTD.Appellant

Through: Mr. Pradeep Gaur, Advocate

Versus

M/S. RAMA SERVICE STATION & ORS.Respondents
Through: Mr. Sashi Mongia, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R

(ORAL)

At the outset, it is pointed out by learned counsel for the parties that this appeal has no relation with MAC.APP. No. 1003/2016 and in fact, this appeal has to be heard along with MAC APP. No. 314/2015.

In view of the aforesaid, last order of 21st February, 2017 is clarified to the extent that this appeal has to be heard along with the Main Appeal being cross-appeal No. 314/2015.

Appellant is the owner of the vehicle involved in a vehicular accident against whom recovery rights have been granted by the MACT vide impugned award of 8th September, 2014.

Now, by way of this application, CM No. 24025/2018 disposal of the appeals is sought on the basis of an out of Court settlement of 8th May, 2018 (Annexure-A to the application). Affidavit of the Authorized Representative of the respondent-insurance company is annexed with this application.

Authorized representative of the respondent-insurance company- Mohd. Bilal is present in Court. He has been duly identified by the counsel for the respondent-insurance company.

Appellant's counsel has handed over a cheque dated 15th May, 2018 of ₹2,66,000/- (Annexure-B with application) to the Authorized Representative of respondent-insurance company, who has accepted it and he submits that now, the impugned award can be varied to deny recovery rights to respondent-insurer against appellant.

While taking on record the Settlement of 8th May, 2018 (Annexure -A), this application is disposed of.

MAC APP. Nos. 119/2015 & 314/2015

In view of the orders passed in CM No. 24025/2018, this appeal as well as cross-appeal i.e. MAC APP.No.314/2015 stand disposed of, as the

subject matter of both these appeals stands mutually resolved between the parties.

Bank Guarantee furnished by M/s. Rama Service Station in terms of orders of 4th February, 2015 and 3rd February, 2015 stands discharged, if it is renewed.

Both the appeals and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 31, 2018

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