

\* **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 STATION .....Appellant  
Through: Mr. Sashil Mongia, Advocate

Versus

GURDAYAL SINGH VERMA & OPRS. (BAJAJ ALLIANZ  
GENERAL INSURANCE CO. LTD) .....Respondents  
Through: Mr. Pradeep Gaur, Advocate for R-  
2.

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**

**ORDER**  
**(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 21<sup>st</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> 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 15<sup>th</sup> 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 8<sup>th</sup> 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.

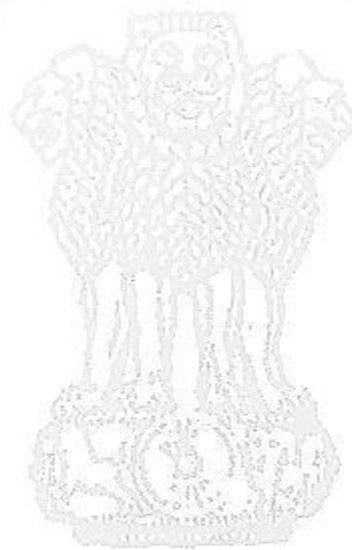
Bank Guarantee furnished by M/s. Rama Service Station in terms of orders of 4<sup>th</sup> February, 2015 and 3<sup>rd</sup> February, 2015 stands discharged, if it is renewed.

Both the appeals and the application are accordingly disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**MAY 31, 2018**

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