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

+ MAC.APP. 69/2018

RISHABH

..... Appellant

Through: Mr. Tumul Puri, Adv.

versus

MOHD SAJID & ANR

(BAJAJ ALLIANCE GENERAL INSURANCE CO)..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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31.01.2020

CM APPL. 4121/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 4120/2020 (Disburse/release of the security deposit amount)

3. By way of this application, the appellant seeks direction to the Registry of this Court to disburse/release the security deposit amount of Rs. 25,000/- in favour of the appellant which was deposited vide Demand Draft No. 080169 dated 16.01.2018 drawn at State Bank of India, Tilak Nagar Branch, New Delhi along with MAC Appeal No. 69/2018.

4. Learned counsel for the appellant submits that the amount of Rs.25,000/- came to be deposited at the time of filing of appeal bearing MAC Appeal No. 69/2018. The said appeal was ultimately disposed off vide order dated

20.09.019 whereby this Court directed the Claims Tribunal to conduct an enquiry in respect of the liability of respondent No.2 (Bajaj Alliance General Insurance Company). He submits that pursuant thereto, in fact, the Claims Tribunal has passed the judgment dated 09.01.2020, the operative portion whereof read as under;

“In view of my aforesaid discussion, the limited issue i.e., ***“Whether Bajaj Alliance General Insurance Co. being insurer of vehicle No. DL-4CR-9032 is liable to pay compensation amount of Rs.2,35,000/- with interest @ 8%?OPD”*** is decided in favour of respondent No.1/Rishabh Ajmani and against respondent No.3/insurance company. Therefore, it is held that all the respondents are jointly and severally liable to pay compensation to the petitioner. **However, since the offending vehicle was duly insured to cover the third party risk, respondent No.3/Insurance company is under statutory liability to pay compensation to the petitioner.”**

5. Learned counsel for the appellant submits that in view of the aforesaid judgment, this Court may issue necessary directions for release of security deposit of Rs.25,000/- which was filed along with MAC appeal.

6. Having regard to the averments made in the application and the fact that the remand order has now resulted in fixing the responsibility of the Insurance Company, there is no impediment to the prayer sought in the present application. The same is allowed.

7. Registry is directed to release the security deposit amount of Rs. 25,000/- in favour of the appellant which was deposited vide Demand Draft No. 080169 dated 16.01.2018 drawn at State Bank of India, Tilak Nagar Branch, New Delhi along with MAC Appeal No. 69/2018.

8. The application is disposed of accordingly.

SANJEEV NARULA , J.

JANUARY 31, 2020

Pallavi