

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Review Pet. No.33 of 2023

For Petitioner(s) : Mr. K. De, Advocate.
For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

18/07/2023

It reveals from the office note that notice is served upon the respondents but there is no representation when the matter is called out. Mr. K. De, learned counsel for the petitioner is present.

The present petition has been filed under Chapter-VA of the Tripura High Court Rules read with Order-47 Rule-1 of the Code of Civil Procedure for reviewing the judgment and order dated 19.07.2022 passed by this Court in MAC. App. No.01 of 2020.

The facts in brief are that the learned tribunal passed the judgment in TS b(MAC) 295 of 2014 and fastened the liability to pay compensation upon the owner of the offending vehicle as the OP owner did not submit any documents to show that the concerned vehicle was insured with the said insurance company at the time of accident. After the said judgment, the claimant preferred an appeal before this Court and annexed an insurance policy of the offending vehicle. But, after the judgment on scrutiny the insurance company has found that the said insurance policy is of some other vehicle and not of the offending vehicle.

Hence the present petition has been filed before this Court by the petitioner-insurance company for redress.

Having heard the learned counsel appearing for the petitioner and for the reasons stated in the accompanying affidavit, since the misrepresentation was made by the respondent in the present review petition with regard to the policy under which the vehicle was insured, require reconsideration.

It is seen from the record that the petitioner-insurance company while checking the insurance policy, by policy number being 10003/31/12/492585 had found that the insurance policy covered another vehicle being registration No. AP-21-TU-6345 and not the offending vehicle, as stated by the claimant, the respondent herein. The copy of the insurance policy No. 10003/31/12/492585 as submitted by the claimant-respondents at the time of filing the appeal is annexed with the present petition marked as Annexure-2.

The insurance policy as submitted by the respondent herein is not the policy of the offending vehicle and it pertains to an Auto in fact, the vehicle which is covered by the insurance policy is JK-14/A-6734 and it is a truck and the same is the offending vehicle which is not covered by any valid insurance policy.

In view of the above submissions made by the learned counsel appearing for the petitioner-insurance company, the judgment and order passed by this Court in the appeal is re-considered and since the vehicle is not covered by any valid insurance policy on the date of accident, liability cannot be fastened upon the insurer of the vehicle.

Accordingly, the amount which has been deposited by the insurance company, they are at liberty to withdraw the same as per procedure. The owner of the vehicle shall deposit the awarded amount within a period of two months from today and on such deposit, the claimant-respondents are at liberty to withdraw the same unconditionally.

In that view of the matter, the present petition stands allowed and disposed of.

JUDGE

A. Ghosh

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Date: 2023.07.19
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