

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

X Obj No.91-CII of 1997 and
FAO No.1722 of 1997
Date of Decision.23.12.2015

The Bhiwani Haryana Transport Coop. Society Ltd.Appellant

Vs.

Ram Niwas and othersRespondents

Present: Mr. Narender Singh, Advocate
for the appellant.

None for the cross objector-respondent No.1.

Mr. Rajesh K. Sharma, Advocate and
Mr. Pradeep Kumar, Advocate
for respondent No.3.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-. -

K. KANNAN J. (ORAL)

1. Report from the District and Sessions Judge, Bhiwani has been received.

2. The appeal is filed by the owner of the vehicle contending that the liability fastened on him exonerating the insurance company is not proper. There had been a direction given by this Court calling for report from the Motor Accident Claims Tribunal about the availability of currency of the policy and whether the owner would be entitled to indemnity. The parties were allowed the liberty of giving evidence before the Motor Accident Claims Tribunal. The Tribunal has collected evidence and has given a report referring to the fact that there had

been a policy current during the time when the accident had taken place. I have read through the report and it brings out clearly the subsistence of the policy. The award passed already in so far as it exonerates the insurance company and makes the owner liable is set aside. The insurance company shall be liable for the award already passed in favour of the claimants.

3. The appeal in FAO No.1722 of 1997 is allowed.
4. There is no representation for the cross-objector. The cross objection is dismissed for default of appearance and non-prosecution.

**(K. KANNAN)
JUDGE**

December 23, 2015
Pankaj*