IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.844 of 1998(O&M)
Date of decision: 29.04.2015

National Insurance Company Limited ….Appellant

Versus

Surinder Singh and others ….Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. R.M. Suri, Advocate
for the appellant.

Mr. Deepak Basotia, Advocate
for the respondents.

K.C. PURI J. (Oral)

This is an appeal directed by insurance company against the award dated 07.10.1997, passed by Sh. P.C. Goyal, Motor Accident Claims Tribunal, Faridabad, vide which the claim petition was partly accepted and a sum of Rs.1,46,400/- was allowed. The respondents were held liable to pay the amount of compensation jointly and severally. The accident has taken place on 09.08.1997. The insurance company wanted to avoid the liability on the ground that the premium paid was for four months and the accident has taken place thereafter. The insurance company was directed by this Court time and again to place on record the cover note and insurance policy from which it can be established that vehicle was insured for four months. However, in spite of repeated adjournments, no such cover note or insurance policy has been placed on record. Record in this case has been received from which it is revealed that the insurance policy covered the period from 27.02.1993 to 27.02.1994, which cover the risk at the time of accident. The stand taken by the insurance company is that since 1/3rd premium has been paid and as such, the insurance policy is for four months and the liability has been wrongly fastened upon the insurance company by the Tribunal. The question was put to the learned counsel for the insurance company that whether, ever in the history, the insurance policy has been issued for a period of four months, then the counsel for the insurance company wants time to check-up the said fact. The stand taken by the insurance company is false and frivolous. The insurance companies are taking huge amount of premiums and it is not in the public interest, that insurance companies want to avoid the liability on frivolous ground. The faith of the public in insurance companies may vanish in case insurance company repudiate the claims on flimsy ground. The stand taken by insurance company on the face of it is false, frivolous and does not appeal to the reasoning.

So, in these circumstances, the appeal stands dismissed with cost of Rs.10,000/-. Cost shall be deposited with the concerned District Legal Services Authority.

29.04.2015 **(K.C. PURI)**
yakub **JUDGE**