IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1659 of 2001 (O&M)
Date of Decision:24.09.2015

New India Assurance Company Ltd.

….Appellant

Versus

Manjit Singh and others

….Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Amit Kundra, Advocate for the appellant.

None for the respondents.

NAVITA SINGH, J.

1. On the last date, counsel for the appellant had placed on record copy of order passed in FAOs No.2899 and 2900 of 1999, whereby the Insurance Company was absolved of its liability. Counsel for respondent No.4 had sought time to seek instructions. Those appeals also relate to the award passed in a separate claim petition qua the same accident.

2. Today no one has appeared for respondent No.4. In any case, since all the awards relate to the same accident, prayer on behalf of the appellant to decide the present appeal also in the same terms, is legal and justified.

3. Accordingly, the present appeal is allowed and is disposed of in the same terms in which the other two appeals were disposed of holding that the award against the appellant is set aside and the claimant will have remedy against the owner of the truck. If the appellant has already satisfied any portion of the award, it shall not make recovery from the claimant and will restrict the right of recovery only against the vehicle.

(NAVITA SINGH)
JUDGE

24.09.2015
Ishwar

Whether to be referred to reporter: No

ISHWAR SINGH GARHWAL
2015.09.30 14:42
I attest to the accuracy and
authenticity of this document