

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**FAO No.1555 of 2006 (O&M)
Date of Decision: 22.04.2015**

Teja Singh

.....Appellant

Versus

Harbans Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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?

Present:- Mr. Sanjay Tangri, Advocate,
for appellant.

Mr. Ravinder Arora, Advocate with
Mr. Neeraj Khanna, Advocate,
respondent No.3-Insurance company.

SHEKHER DHAWAN, J (ORAL)

Appellant has challenged the award dated 01.03.2005 by Motor Accident Claims Tribunal, Moga (hereinafter referred as 'The Tribunal') whereby. 'The Tribunal' fastened the liability upon the owner of the truck on the ground that said truck was not insured with respondent-Insurance company on the date of accident.

2. Mr. Sanjay Tangri, Advocate learned counsel for the appellant-owner of the truck took the plea that earlier also claim petition was filed at the instance of Gian Kaur and others bearing MACT No.45 of 30.09.1997 before Motor Accident Claims Tribunal, Ferozepur and the said claim petition was decided vide award dated 30.06.2000. In that case the liability

was fastened upon National Insurance Company as the truck bearing No.PB-08K-9591 was insured with National Insurance Company but in the present case 'The Tribunal' fell in error while recording the findings that the same truck was not insured.

3. Mr. Ravinder Arora, Advocate along with Mr. Neeraj Khanna, Advocate learned counsel for respondent-National Insurance Company fairly conceded after verification of the policy of truck bearing No.PB-08K-9591 that truck was insured with National Insurance Company on the date of accident.

4. Learned counsel for appellant further took the plea that appellant has already made payment of awarded compensation amount to the claimant way back in the year 2007/2008.

5. In view of the above findings recorded by Motor Accident Claims Tribunal, Moga stands modified that the liability to pay the amount of compensation shall be of National Insurance Company in the capacity of insurer of the vehicle.

6. In these circumstances appellant shall be entitled to recover the amount paid by appellant to the claimants within two months along with interest @ 6% per annum from the date of payment by appellant to the claimant.

7. In view of the above, appeal stands disposed of.

(SHEKHER DHAWAN)
JUDGE

April 22, 2015
msd