

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

FAO No. 7420 of 2010 (O&M)

Date of decision: October 31, 2015

National Insurance Co. Ltd.

Appellant

Versus

Union of India and others

...Respondents

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?**

Present: Mr. Paul S. Saini, Advocate,
for the appellant.

Mr. Shivoy Dhir, Advocate,
for respondents No. 1.

None for respondents No.2 and 3.

Mr. Harsh Aggarwal, Advocate,
for respondent No.4.

K. KANNAN, J. (Oral)

1. There is written request for adjournment on behalf of respondent No.3. There is no justification for granting the same. The request is declined.

2. The appeal is at the instance of the insurance company on the plea that there is no policy of insurance to make it liable. The policy filed in court showed that the vehicle involved in the accident had been insured with the appellant to take effect from 24.2.2001 when the accident had taken place on 2nd April, 2002 i.e. beyond the period of one year from the

commencement of the policy. There have been several attempts on previous hearings by the owner offering to prove that the insurance had been done with the New India Assurance Company—4th respondent. The 3rd respondent is not present. If he cannot show the liability of the 4th respondent, the liability assessed must be taken as wrongly done and the award is required to be modified in that regard. The liability cast on the appellant is set aside and the appeal by the insurer is allowed. The right of enforcement for the claimant shall be available only against respondents No. 2 and 3, namely driver and the owner respectively.

3. The appeal is allowed on the above terms.

October 31, 2015
prem

(K.KANNAN)
JUDGE