

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

**FAO No.241 of 2012 (O&M)
Date of Decision: February 13, 2015**

M/s Futurstik (SRI)

..Appellant(s)

Versus

M/s Royal Sunderam Alliance Insurance Co. Ltd. & Ors.

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes

Present: Mr. Mohishr Latar, Advocate
for Mr. Rajesh Lamba, Advocate
for the appellant.

Mr. D.K. Prajapati, Advocate
for Mr. R.S. Madan, Advocate
respondent no.1-insurance company.

Mr. Mohit Nehra, Advocate
for Mr. Jaivir Yadav, Advocate
for respondents no.3 to 6.

ANITA CHAUDHRY, J.

1. This appeal has been filed by the owner seeking discharge of the liability placed upon them by the Motor Accident Claims Tribunal, Faridabad (here-in-after referred to as 'the Tribunal'), on the ground that they did not have a route permit. The Tribunal ordered that there was a violation of the terms and conditions of the policy and exonerated the insurance company.

2. Notice was issued as it had been conceded that inadvertently the national permit (Annexure A-1) could not be placed on record of the Tribunal, which resulted in a finding against the owner.

3. On appearance, the respondents were directed to verify the route permit. Today learned counsel appearing for respondent no.1-insurance company has placed on record the Investigator's report. Copy of the national permit is also appended along with it. It is stated that the route permit had been verified and the compensation would now be paid by the insurance company.

4. In view of the above submission, the award passed by the Tribunal is modified and it is held that it is the insurance company who would pay the compensation. The order giving recovery rights to the insurance company is set aside.

The appeal is allowed.

(ANITA CHAUDHRY)
JUDGE

February 13, 2015
sunil