IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5417 of 2014 (O&M)
Date of Decision: February 13, 2015

Sanjiv Sopmany

..Appellant(s)

Versus

Bharti Axa General Insurance Co. Ltd. and others

...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. N.C. Kinra, Advocate
for the appellant.

*****

ANITA CHAUDHRY, J.

CM No.15083-CII of 2014

For the reasons set out in the application which is supported by an affidavit, same is allowed and delay of 228 days in filing the appeal is condoned.

FAO No.5417 of 2014

Heard.

This appeal is by the owner seeking discharge of his liability.

The submission of the appellant is that the Motor Accident Claims Tribunal, Karnal failed to record a finding on issue no.4 and the matter should be sent back or report be called. He further submits that the payment of compensation was ordered to be recovered from the owner-driver which is not in consonance with law.

As regards the first submission, I find that the issue no.4 related to the insurance policy. The insurance company had taken a plea that the vehicle was being driven without a valid policy. The judgment does not exclusively deal with issue no.4 but it was a plea available to the insurance company and since there was a policy, it was not disputed and the appellant cannot gain anything out of it. There is no reason to remand the case or ask for any report from the Tribunal.

The counsel for the appellant had candidly admitted that the appeal filed by the Insurance company (FAO No.4774 of 2013) was dismissed on 03.10.2013.

The appellant is only aggrieved with the finding recorded on issue no.4. The Tribunal has elaborately dealt with issue no.4 that the driving license was fake. The owner did not step into the witness box to depose that he had seen the license while employing the driver. They cannot be absolved from the liability. Recovery rights were rightly allowed to the insurance company.

The appeal is dismissed without issuing notice.

(ANITA CHAUDHRY)
JUDGE

February 13, 2015
sunil