

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

FAO No.7997 of 2014 (O&M)

Date of decision: 14.10.2015

Narinder Singh and another

... Appellants

versus

Manjit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajesh K. Dadwal, Advocate,
for the appellants.

Ms. Sarpreet Grewal, Advocate,
for Mr. R.K. Kapila, Advocate,
for respondents 1 to 4.

Mr. Eklavya Darshi, Advocate,
for respondent No.5.

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

K.Kannan, J. (Oral)

CM No.21502-CII of 2014

For the reasons stated in the application, delay of 17
days in filing the appeal is condoned.

Application stands disposed of.

CM No.21501-CII of 2014

Application is allowed, as prayed for. Annexure A-1 is

taken on record.

CM No.13132-CII of 2015

Application is allowed, as prayed. Reply filed on behalf of respondent No.5 to the application under Order 41 Rule 27 CPC read with Section 151 CPC for additional evidence, is taken on record.

FAO No.7997 of 2014

1. The only point in appeal is an issue of liability where the right of indemnity has been denied on the ground that there was no valid insurance. The contention of the appellant is that registration number had not been assigned and the accident had taken place within 8 days of the purchase. When the vehicle had a temporary registration number but the policy of insurance had incorporated an engine number and chassis number, the policy, according to him, made reference only to the vehicle which was involved in the accident. I had sought for the verification to be carried out as regards the fact whether there had been a valid insurance on the date of the accident. The counsel for the respondent-Insurance Company states that there was indeed a valid insurance.

2. That concludes the issue to the benefit of the appellant and the liability shall be borne only by the insurer with a right of full indemnity to the appellant. The direction contrary to the lower court award is modified and the appeal is allowed to the above extent.

3. An amount of ₹25,000/- which is reported to have been deposited at the time of preferring the appeal is directed to be refunded with interest, if any, that stands accumulated to the deposit.

(K.KANNAN)
JUDGE

14.10.2015
sanjeev