

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1827 of 2016 (O&M)
Date of decision:11.03.2016

HDFC ERGO General Insurance Company
Limited

... Petitioner

Vs.

Sourabh Raval and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Pradeep Kumar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the order dated 01.02.2016, allowing the application moved under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment of the claim petition vis-a-vis number of the vehicle.

Mr. Pradeep Kumar, learned counsel appearing on behalf of the petitioner-Insurance Company submits that the application does not conform the statutory requirement of law of using of expression “despite exercise of due diligence”. This fact has not been noticed by the Court below, therefore, the impugned order is not sustainable in the eyes of law. He further submits that driver and owner feigned ignorance regarding the ownership of vehicle

No.HR05AM-3664 and said that they are owners of vehicle No.HR05AM-6448. In order to belie the claim, Insurance Company summoned the witness from the concerned Registering Authority, who, said that driving license is not with regard to the tractor.

Be that as it may, the fact remains that driver and owner impleaded are owners of vehicle No.HR-05AM-6448, which has been sought to be incorporated in the claim petition by way of amendment. The Insurance Company would be at liberty to prove whether the driving license was valid for plying the tractor or not, in accordance with law.

In my view, the amendment sought to be incorporated, which has been allowed is most innocuous and would not change or alter the nature of the petition, for the reasons that owner and driver of the vehicle are the same. Had it been different, perhaps there would have been some force in the aforementioned arguments of Mr. Pradeep Kumar.

In view of the aforementioned observations, I do not find any illegality and perversity in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

March 11, 2016
savita