

Civil Revision No.7252 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7252 of 2014

Date of Decision: August 27, 2016

Future Generali India Insurance Co.Ltd., New Delhi

...Petitioner

Versus

Smt.Krishna & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Vishal Aggarwal, Advocate,
for the petitioner.

Mr.Jitender Kundu, Advocate,
for respondent Nos.5 & 6.

AMIT RAWAL, J. (Oral)

Petitioner-Insurance Company (respondent No.3 in the claim petition) is aggrieved of the dismissal of the application seeking permission of the Motor Accident Claims Tribunal to place on record additional evidence.

Mr.Vishal Aggarwal, learned counsel for the petitioner-Insurance Company submits that the petitioner issued the policy on

aforementioned policy was issued on the basis of the previous policy expired on 20.4.2013 and discount of 45% on account of 'no claim bonus' was granted. Later on, it was realised that the previous policy was not the original one. The case is at the state of respondents' evidence.

Mr.Jitender Kundu, learned counsel for respondent Nos.5 and 6 submits that they have not verified the previous policy, but some other policy and, therefore, the application for leading additional evidence appears to be insignificant. The requirement of the additional evidence is also wanting and, thus, urges this Court for affirming the findings.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the evidence to be brought on record will help the Court in adjudication of the lis. The owner and the driver will have a right to cross-examine the witnesses, who shall bring on record the evidence vis-a-vis verification of correct or other policy, but in my view the Insurance Company cannot be prevented in placing on record the additional evidence as it has a direct bearing on the adjudication of the lis, much less the indemnification of the owner.

For the foregoing reasons, the impugned order is set-aside.

The application is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to lead additional evidence. The

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respondents, i.e., owner and driver will be given a chance to cross-examine the witnesses.

Revision petition stands allowed.

August 27, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No