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

FAO No.619 of 1997

Date of Decision : 16.03.2016

National Insurance Company Ltd.

..... Appellant

Versus

Kamlesh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.M. Suri, Advocate for the appellant.

Mr. Ram Chander, Advocate for the respondent.

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

AJAY TEWARI, J. (Oral)

This appeal has been filed by the Insurance Company against award dated 06.11.1996.

Brief facts are that on the fateful day the deceased along with his wife and his sister was travelling on the tractor owned and driven by respondent No.5 when as a result of rash and negligent driving an accident was caused in which deceased died.

The sole argument of learned counsel for the Insurance Company is that once the deceased was shown to be a passenger on a tractor, it is completely against the policy of insurance and the Insurance Company could not have been held liable and had to be absolved. He has further fairly stated that in the absence of any

interim order by this Court in the last 19 years, the probability is that

the Insurance Company must have paid the amount also.

Learned counsel for the respondent owner is not in a position to deny the legality of this argument.

In the circumstances, this appeal is to be allowed and it has been held that the Insurance Company is not liable to pay the amount awarded. However, in case the amount has already been paid by the appellant, the appellant would be at liberty to recover the same by filing an execution of today's order.

March 16, 2016

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**(AJAY TEWARI)
JUDGE**