

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 705 of 1999 (O&M)
Date of decision: February 23,2016

National Insurance Company Limited

.....Petitioner

VS.

Smt. Shakuntla and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr.Sanjiv Pabbi, Advocate
for the appellant.

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?**

K.KANNAN,J (Oral)

1. The service of respondents have not been effected despite directions given on 18.09.2015. I wanted to assure to myself whether there was any case made by the appellant for any intervention.

2. It is the case where the insurer has been made liable, rejecting the plea taken by the insurer that the vehicle was used at the relevant time of the accident for the purpose not duly authorised, namely an alleged misuse of the vehicle for carrying passengers for hire or reward. The Tribunal found that the burden of proof was on the insurer and there was no proof that there had been such misutilization.

3. I do not have any better evidence to give credit to the insurer's plea that there was any violation of terms of the policy.

4. I confirm the award and dismiss the appeal.

FEBRUARY 23, 2016

Rajeev

(K.KANNAN)
JUDGE