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

**CWP No.14797 of 2016
Date of decision:27.07.2016**

Bajaj Allianz General Insurance Company Limited ...Petitioner

Versus

Smt. Suman and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Satpal, Advocate, for
Mr. Ashwani Talwar, Advocate, for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has challenged the award of the Insurance Ombudsman dated 06.04.2016. The petitioner has repudiated the claim of respondent No.1 on the ground that the vehicle was insured in the name of M.L.Prabhakar who had sold the vehicle to respondent No.1, who was not a party to the insurance contract.

I have heard learned counsel for the petitioner and perused the record.

Respondent No.1 bought the car bearing registration No.CH03-K-3671 on 09.02.2015 and applied to the Registration Authority for transfer of its ownership in her name on 23.02.2015. The car was stolen on 02.03.2015 but the Registration Certificate, registering the transfer of the car in the name of respondent No.1, was received by her on 03.03.2015. Respondent No.2 has rightly observed, while referring to General Rule 17 of the Insurance Act, 1938, that the obligation on the part of the transferee

(respondent No.1) to approach the insurer (petitioner) within 14 days of the transfer would have arisen only after the transferee had got the Registration Certificate transferred in her name because the Registration Certificate is the conclusive proof of ownership and the reference of transfer in General Rule 17 is to the transferred Registration Certificate. Since respondent No.1 received the transferred Registration Certificate on 03.03.2015, she did not get the opportunity to apply for transfer of the policy in her name as the vehicle had already been stolen on 02.03.2015.

In view thereof, I do not find any error in the award of respondent No.2 and hence, the present petition is hereby dismissed being denuded of any merit.

July 27, 2016
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(Rakesh Kumar Jain)
Judge