

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

**FAO-1538-2013 (O&M)
Decided on: 27.08.2016**

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED

.... APPELLANT

VS.

KARAMJIT SINGH AND ORS

..... RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Subhash Goyal, Advocate,
for the appellant.

Rekha Mittal, J. (Oral)

Respondent No.3 has already been served but there is no representation on his behalf. As a consequence, he is proceeded against ex-parte.

The present appeal has been directed against the award dated 06.10.2012 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (for brevity 'the Tribunal') whereby compensation has been awarded in favour of respondent Karamjit Singh in regard to the injury sustained by him in a motor vehicular accident stated to have occurred on 16.07.2007.

Counsel for the appellant (Insurance Company) has urged that the present appeal has been filed by insurer primarily on the ground that the alleged offending vehicle No.PB-11W-0094 has been falsely involved in the occurrence in order to claim compensation, therefore, the application for compensation is liable to be dismissed.

In the appeal preferred by the Insurance Company, the claimants, driver and owner of the alleged offending vehicle have been arrayed as respondents No.1 to 3 respectively. The appeal against respondents No.1 and 2 was ordered to be dismissed by this Court vide order dated 27.11.2014. A relevant extract therefrom reads as follows:-

“Correct address of respondents No.1 and 2 was not filed within the time given by this Court on 24.3.2014 rather it has not been filed till today. In view of the categorical order passed on the above date, the appeal against respondents No.1 and 2 is dismissed.”

As appeal filed by the insurance company against the claimant and driver of the offending vehicle has already been dismissed, no such plea of the appellant can be entertained even if respondent No.3 owner of the vehicle has not put in appearance to contest the proceedings.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(REKHA MITTAL)
JUDGE

27.08.2016
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No