

210.

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

FAO No.4203 of 2013 (O&M)

Date of decision:27.04.2016

The Oriental Insurance Company Limited ... Appellant

versus

Monika and others Respondents

II. FAO No.4316 of 2013 (O&M)

The Oriental Insurance Company Limited ... Appellant

versus

Lakhwinder Singh and others Respondents

III. FAO No.4317 of 2013 (O&M)

The Oriental Insurance Company Limited ... Appellant

versus

Rakesh Kumar and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Raj Kumar Bashamboo, Advocate,
for the appellant.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. *(Oral)*

1. There is no representation for the respondents when the matter is called. I had directed the 2nd respondent to produce the permit to ensure that there had been no violation of terms of policy requiring the permit and the statute that allows this to be taken as a permissible defence by the Insurance Company.
2. There is no compliance with the direction given and I draw an adverse inference that the 2nd respondent does not have permit. The Insurance Company's liability will therefore be to the third party to satisfy the award and will have a right of recovery against the owner and driver for violation of terms of policy.
3. All the appeals are allowed to the above extent.

(K.KANNAN)
JUDGE

27.04.2016
sanjeev