

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

FAO No.1585 of 2016 (O&M).

Date of Decision: 17.03.2016.

The New India Assurance Company LimitedAppellant.

VERSUS

Virender Pal Singh and othersRespondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. S.S. Sidhu, Advocate for the appellant.

SNEH PRASHAR, J.

CM-5781-CII of 2016

Delay condoned.

FAO-1585 of 2016 (O&M)

By way of this appeal, the appellant-insurance company has assailed the award dated 21.11.2015 passed by learned Motor Accident Claims Tribunal, Karnal (for short, “the Tribunal”) in MACT Case No.274 of 2013.

The submissions made by learned counsel for the appellant have been heard.

At the very outset, learned counsel for the appellant argued that the claim petition was filed by respondent No.1-Virender Pal Singh (claimant) seeking compensation on account of damage to his car make 'Verna' bearing registration No.HR-05T-7481 (hereinafter referred to as the 'car') in a motor vehicular accident that took place on 09.07.2013. For taking claim, it was incumbent upon the claimant to prove his ownership qua the car. As per the registration certificate, enclosed as Annexure A-1 with the appeal, one Jasmer Singh son of Mohinder Singh was the registered owner of the car. Since the claimant was not the owner of the property in respect of which the claim petition had been filed, he was not entitled to compensation.

The other argument raised by learned counsel for the appellant was that the claimant tendered in evidence only the estimate with regard to the damage sustained by the car but produced no document to prove payment of the amount allegedly spent on repair of the car.

Both the arguments of learned counsel for the appellant are devoid of merit. He could not deny that no objection regarding ownership of the claimant qua the car was taken by the appellant in his pleadings. The award dated 21.11.2015 passed by learned Tribunal also shows that at the time of arguments also no objection regarding ownership of the claimant in respect of the car was raised. When there was no objection of the respondents regarding ownership, no issue was framed calling upon the claimant to prove the ownership. The registration certificate which the appellant has now annexed with the appeal was not produced/ tendered in

evidence before the Tribunal. The objection not taken before the Tribunal cannot now be made basis for filing an appeal.

As regards payment of the repair charges, the claimant besides proving the estimate Ex.P1 had also proved in evidence the bill Ex.P2 of Rs.1,54,259/- and the receipts Ex.P3 to Ex.P5 as is mentioned in para 21 of the award.

Thus, there being no merit in the grounds raised for filing the appeal, it is hereby dismissed.

(SNEH PRASHAR)
JUDGE

17.03.2016.
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