IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 688 of 2013 (O&M)
Date of decision : February 08, 2016

Satbir and another,
...... Appellants.

v.

Bimla Devi and others,
...... Respondents

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CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Sumit Sangwan, Advocate
for the appellants.

Mr. Ravi Malik, Advocate
for Mr. Sandeep Goyat, Advocate
for respondents No.1 to 6.

Mr. MB Jain, Advocate
for respondent No.7.

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1. **Whether Reporters of Local Newspapers 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 ?**

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Ajay Tewari, J (Oral)

This appeal has been filed by the owner-driver against the Award of the Tribunal whereby the Insurance Company has been absolved of the liability. The reason for absolving the Insurance Company was that the offending vehicle had permit only for the State of Rajasthan while at the time of accident it was being plied in the State of Haryana.

Counsel for the appellant has relied upon the decision in Ram

Nath vs Nishan Singh and others, FAO No.1806 of 1993, decided on 29.5.2014, wherein this Court noticed the distinction between the case of vehicle which was being plied without any permit and the case where the vehicle did have a permit like in the present case and was being plied in an area which was not covered by the permit.

Counsel for the Insurance Company has relied upon the decision of the Hon'ble Supreme Court in National Insurance Co. Ltd vs. Challa Bharathamma and others, 2004 ACJ 2094, and a decision of this Court in Partap Singh vs. National Insurance Company and others, FAO No.4922 of 2014, decided on 16.7.2014.

A perusal of the above said decisions reveals that in those cases there were no permits at all.

Keeping in view the decision of this Court in Ram Nath's case (supra), it has to be held that where there was a permit but the vehicle was being driven in violation of the conditions, it would not absolve the Insurance Company. Consequently, this appeal is allowed and the finding of the Tribunal absolving the Insurance Company of the liability is set aside.

(AJAY TEWARI)
JUDGE

February 08, 2016
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