

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

119

FAO No.5666 of 2016 (O&M)
Date of Decision: October 25, 2016

Kavita Kamboj

...Appellant

Versus

Seema and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Amit Gupta, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.19693-CII of 2016

Prayer in this application is for exemption from filing the certified/typed copy of impugned order dated 07.04.2016.

Application is allowed.

Exemption from filing the certified/typed copy of impugned order dated 07.04.2016 is granted subject to just exceptions.

CM No.19691-CII of 2016

Prayer in this application is for condonation of delay of 38 days in re-filing the appeal.

The reason assigned for the delay is that after the filing of the appeal, Registry had raised certain objections and the paper book was returned. Case was re-filed after removal of the objections, which resulted in delay of 38 days in re-filing the appeal. The application is supported by the affidavit of the counsel.

For the reasons mentioned in the application, the same is allowed.

Delay of 38 days in re-filing the appeal stands condoned.

CM No.19694-CII of 2016

Prayer in this application is for condonation of delay of 29 days in filing the appeal.

For the reasons mentioned in the application which is supported by the affidavit of applicant-appellant, the same is allowed.

Delay of 29 days in filing the appeal stands condoned.

FAO No.5666 of 2016

Appellant has approached this Court challenging the liability of interest which has been imposed upon her, who is owner of the vehicle by asserting that the appellant had intimated the Insurance Company about the accident and the demise of Harpal Singh, Driver of vehicle No.HR-58A-4698 Mahindra Bolero Pickup, on 13.09.2013 at the time of the accident or a few days thereafter. Counsel, therefore, contends that the liability could not have been imposed qua the interest upon the appellant.

2. This contention of learned counsel for the appellant cannot be accepted in the light of the fact that no specific date has been mentioned as to when the intimation was given to the Insurance Company about the accident. That apart, nothing has been placed on record which would indicate that the Insurance Company was intimated with regard to the accident within the stipulated period of one month, which would shift the liability from the appellant-owner of the vehicle to the Insurance Company.

3. In view of the above, finding no merit in the present appeal, the same stands dismissed.

4. In the light of the dismissal of the appeal, the application for stay i.e. CM No.19692-CII of 2016, stands disposed of as infructuous.

October 25, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No