IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6715 of 2015 (O&M)
Date of Decision.14.01.2016

ICICI Lombard General Insurance Company Limited ......Petitioner

Vs.

Sangeeta Devi and others ....Respondents

Present: Mr. Amrinder Singh Sidhu, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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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K. KANNAN J. (ORAL)

1. The insurance company who adopts a standoffish attitude and makes no form of enquiry with the owner or the driver of the vehicle of the nature of accident or the driving particulars cannot be heard to say that the owner and driver did not come before the Tribunal and therefore, it must be presumed that the accident was fake.

2. The insurance company which covers risk for third party and offers indemnity through the policy of insurance is bound to elicit such information as it is necessary when a claim petition lodged before the Tribunal. There is duty for the insurer to secure every information and place before the Tribunal so that the matter is not seen as merely an adversarial litigation but a litigation to serve the objective which the Act seeks to promote for protection of persons against risk in motor accidents.

3. The contention was that the author of the FIR was not

prepared to support the prosecution before the Criminal Court at all times and only after the claim petition was disposed before the Tribunal, the matter has gone before the Criminal Court and it has ended in acquittal. This acquittal order, according to him, would also show that the accident was not caused by the insured.

4. I reject the whole argument and I will find no cause for interference in the way in which the insurance company has conducted itself. The appeal is dismissed.

(K. KANNAN)
JUDGE

January 14, 2016
Pankaj*