

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

FAO No.8208 of 2015 (O&M)

Date of Decision: 8.8.2016

State of Haryana

.....Appellant

Versus

The New India Assurance Co. Ltd. & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sourabh, AAG, Haryana for the appellant.

Mr. Paul S. Saini, Advocate for respondent No.1-Insurance Company.

Mr. Karan Singh, Advocate for respondents No.2 & 3.

Mr. Raj Kaushik, Advocate for respondent No.4.

Darshan Singh, J. (Oral)

The only short point involved in the present appeal is about the liability to pay the amount of compensation. The learned Tribunal has exonerated respondent No.1-New India Insurance Company Limited on the ground that the copy of the Insurance policy produced by the appellant was pertaining to the period w.e.f. 12.1.2013 to 11.2.2014 wherein the accident had taken place on 17.12.2012. The appellant along with the appeal has filed the copy of Insurance Policy Annexure A-1 for the relevant period which shows that the offending vehicle bearing registration No.HR-58-8960 was insured with respondent No.1-Insurance Company for the period w.e.f. 12.1.2012 to 11.1.2013 which covers the date of accident.

Learned counsel for respondent No.1-Insurance Company has stated at Bar that the respondent-Company has verified the Insurance particulars and the vehicle in question was duly insured with it as per its policy on the date of accident.

Thus, as the vehicle was duly insured with respondent No.1-Insurance Company, so the present appeal is hereby allowed. The impugned award dated 3.7.2015 is hereby modified to the extent that the appellant, respondent No.1 and 4 (respondents No.1 to 3 in the claim petition) shall be jointly and severally liable for the payment of the amount of compensation. The respondent-Insurance Company shall be liable to indemnify the insured.

Learned counsel for the appellant states that the awarded amount has already been deposited with the Tribunal by the appellant. If the same has already been disbursed to the claimants, the appellant shall be entitled to recover that amount from respondent No.1-Insurance Company.

The present appeal stands allowed.

August 08, 2016
ps

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No