

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

CR No. 3873 of 2016
Date of Decision: 20.11.2017

HARISH CHANDER AND ANR

-PETITIONERS

VS

IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED
AND ORS

-RESPONDENTS

CR No. 4428 of 2016

HARISH CHANDER AND ANR

-PETITIONERS

VS

IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED
AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj K. Tanwar, Advocate,
for the petitioners.

Mr. Sanjeev Goyal, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Vide this common order, Civil Revision No.3873 of 2016 titled **Harish Chander and another vs Iffco Tokio General Insurance Co. Ltd.** and Civil Revision No.4428 of 2016 titled **Harish Chander and another vs Iffco Tokio General Insurance Co. Ltd.** are being disposed of.

[2]. Common facts are being noticed.

[3]. Petitioners have assailed the order dated 10.05.2016 passed by the Motor Accident Claims Tribunal, Narnaul whereby the application filed by respondent No.1 in the claim petition was allowed thereby absolving the Insurance Company from its liability to indemnify the insured.

[4]. Learned counsel for the petitioners relied upon cover note to counter the grounds on which the Insurance Company was absolved by the Tribunal.

[5]. During course of arguments, learned counsel for respondent No.1 was specifically asked whether the Insurance Company can afford to bear the consequences in case, the Tribunal is allowed to adjudicate on the basis of cover note produced by the petitioners.

[6]. Learned counsel appearing on behalf of respondent No.1 candidly submitted that the impugned order be set aside and the case be remanded to the Tribunal for decision on merits. This is so because the claim petition is still at the initial stage, where evidence of the claimants is in progress.

[7]. In view of consensus arrived at between the parties, the impugned order is set aside and the case is remanded to the Tribunal to decide the claim petition in accordance with law after affording reasonable opportunities to the parties.

[8]. Disposed of.

[9]. Since, the impugned order is set aside, therefore, respondent No.1 would be having right to file written statement and contest the claim in accordance with law.

20.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No