

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6255 of 2016 (O&M)
Date of Order: 07.12.2017

The New India Assurance Co. Ltd. And anotehr

..Petitioners

Versus

Ashok Kumar Sachdeva and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.C.Gupta, Advocate,
for the petitioners.

Mr. Pritam Saini, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J.

The Insurance Company is in revision petition against the order passed by Permanent Lok Adalat under Section 22(c) of Public Utility Services and Legal Services Authority Act, 1987 (hereinafter referred to as 'the Act').

Some facts are required to be noticed:-

Respondent-Ashok Kumar Sachdeva purchased a new Mohindra Bolero Pickup with a temporary registration number which was valid upto 20.03.2015. He got the vehicle insured comprehensively, which was valid from 19.02.2015 to 18.02.2016. There was some dispute about permanent registration of the vehicle as State of Haryana had issued some instructions de-barring the local authorities from registration of the vehicle. It is not disputed that respondent applied for registration and a motor vehicle inspector inspected the vehicle and cleared for registration on 22.04.2015.

On 07/08.05.2015 intervening night, when the vehicle was parked outside the house of the respondent, it was stolen and FIR was registered. Thereafter claim was lodged with the Insurance Company, however, the Insurance Company repudiated the same.

Respondent filed an application under Section 22(c) of the Act for settlement of the dispute. Efforts were made to settle the matter. However, on refusal of the Insurance Company, the learned Permanent Lok Adalat proceeded to decide the matter. The learned Permanent Lok Adalat after referring to the facts as noticed above, allowed the application and directed the Insurance Company to pay a sum of Rs.5,37,736/- along with interest @ Rs.9% per annum till payment.

The Insurance Company has challenged the aforesaid order by filing this revision petition.

Learned counsel for the petitioner-Insurance Company has contended that since the temporary registration was valid only upto 20.03.2015 and thereafter there was no permanent registration, hence the condition of the policy had been violated in terms of Section 39 of the Motor Vehicles Act, 1988. Therefore, the order passed by the learned Permanent Lok Adalat is erroneous. Learned counsel has relied upon the judgment passed by the Hon'ble Supreme Court of India reported as **Narinder Singh v. New India Assurance Company Ltd. and others, (2014) 9 SCC 324**

I have considered the submission of learned counsel for the petitioner and with his able assistance gone through the judgment passed by the Hon'ble Supreme Court in the case of Narinder Singh (supra).

This is a case where there was no evidence available on the file

that any effort was made by the owner to get the vehicle registered. Still further the Court relied upon Section 39 of the Motor Vehicles Act, 1988 as in that case vehicle had met with an accident. Section 39 of the Motor Vehicles Act, 1988, is extracted as under:-

39. Necessity for registration.—*No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:*

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government

A reading of Section 39 of the Motor Vehicles Act, 1988 would show that no person shall drive any motor vehicle at a public place, unless the vehicle is registered in accordance with this Chapter.

In the opinion of this Court, the aforesaid judgment would not be applicable because in the present case the vehicle was not being driven when the incident took place. It is a case of theft of vehicle when it was parked outside the house of the respondent.

Still further owner had made all efforts to get the vehicle registered after the temporary registration had expired. He had filled in Form-20 as prescribed under the Motor Vehicles Act and presented the

vehicle for inspection before the Motor Vehicle Inspector. The Motor Vehicle Inspector had approved the vehicle on 22.04.2015. As noticed earlier, the vehicle could not be finally registered because of communication from the State of Haryana. In these circumstances, respondent cannot be held responsible for non-registration of the vehicle.

Still further, learned counsel for the petitioner submitted that after theft the vehicle must have been driven away. Owner had parked the vehicle. Owner was not found driving the vehicle without registration. A theft had taken place. The owner cannot be held responsible for the fact that after stealing the vehicle the thieves must have driven the vehicle.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the order passed by the learned Permanent Lok Adalat.

The revision petition is dismissed.

December 07, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No