

IN THE HIGH COURT OF PUNJAB AND HARYANA,  
AT CHANDIGARH

304

FAO No.921 of 1991  
Decided on : 03.11.2017

*Sham Lal Sood*

*... Appellant*

*Versus*

*Smt.Kala Wati and others*

*.. Respondents*

**CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN**

Present : Mr.D.K.Prajapait, Advocate for  
Mr.R.S.Madaan, Advocate  
for the appellant  
Ms.S.K.Gupta, Advocate for respondents No.1 to 3.  
Mr.Vinod Gupta, Advocate for  
Ms.Vandana Malhotra, Advocate  
for respondent No.4- Insurance company.

**Avneesh Jhingan, J. (Oral)**

The present appeal has been filed against the award dated 2.4.1991 passed by the Motor Accidents Claims Tribunal, Ambala (for short 'the Tribunal').

2 The record of this case was burnt and has been reconstructed from the salvaged record and copies supplied by counsel subject to just exceptions.

3. The present proceedings are result of accident that occurred on 18.12.1989. In the said accident, Bal Kishan alias Bal Krishan and Sat Dev lost their life.

4. The parties have not disputed the facts with regard to involvement of the vehicle and rash and negligent driving of the offending vehicle. Even the quantum of compensation is also not in dispute.

5. The only issue raised by the owner of the offending vehicle in the present appeal is that he is not liable to pay the compensation. Rather, it is the liability of the Insurance Company as per note of the policy additional premium was paid.

6. Learned counsel for the Insurance company could not dispute the payment of additional premium but resisted the contention that the liability of owner of the offending vehicle was wrongly fixed.

7. In order to decide the issue involved in the present appeal, it would be necessary apart from the legal position to have a look into the Insurance policy. Since LCR is partially burnt, it may require some time for re-construction of the record which would further need verification.

8. Keeping in view the facts and circumstances of the case, the matter is remitted back to the Tribunal to decide the issue of liability only.

9. Parties are directed to appear before the Tribunal on 22.12.2017.

**[ Avneesh Jhingan ]**  
**Judge**

03.11.2017  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |