

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

CWP No. 10711 of 2014

Date of Decision: 14.12.2017

NATIONAL INSURANCE COMPANY LTD. Petitioner

V/s.

VED PAL AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

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

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

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has challenged the award dated 06.12.2013 passed by the Permanent Lok Adalat (Public Utility Services), Ambala, Camp Court at Kaithal, by which application under Section 22-C of the Legal Services Authorities Act, 1987 (hereinafter referred to as 'the Act'), filed by respondent No. 1, has been allowed and the petitioner-insurance company has been directed to pay ₹4,33,694/- to respondent No. 1.

The admitted facts of this case are that respondent No. 1 had purchased an i10 Car (make Hyundai) bearing registration No. HR-8N-0507, registered with Registration Authority (MV), Kaithal. The car was insured with the petitioner-insurance company w.e.f. 02.11.2011 to 01.11.2012. The car met with an accident on 03.02.2012 and was totally damaged. Thereafter, respondent No. 1 put up his claim for payment of compensation but it was declined by the petitioner on the ground that the person who was driving the car was not holding a valid driving licence.

Learned counsel for the petitioner has submitted that the very fact that respondent No. 1 did not suffer any injury and the blood stains were found on the driving seat would show that the car was being driven by somebody else and the person who was driving the vehicle at that time was not holding a valid driving licence, therefore, the petitioner is not liable to pay the compensation as claimed by respondent No. 1.

On the other hand, learned counsel for respondent No. 1 has submitted that there are two surveyor's reports in which it has been mentioned that the said vehicle was driven by respondent No. 1 and there were two other persons namely; Mahi Pal and Raj Pal, who were travelling alongwith him, who had suffered injuries but fortunately, respondent No. 1 was not hurt. It is also submitted that when the accompanying persons were dragged out of the Car, which was turned turtle, in that process, the blood of the person, who was sitting next to respondent No. 1, might have spilled over on the driving seat. He has also referred to the findings recorded by the Permanent Lok Adalat in which it has been observed that there was no evidence brought on record about the extent of the blood found on the driving seat in order to draw a presumption against respondent No. 1 to the effect that he was not driving the said car at the time of accident.

I have heard learned counsel for the parties and after examining the record, much less, the findings recorded by the Permanent Lok Adalat, am of the considered opinion that there is no case for interference as the findings recorded by the Permanent Lok Adalat are based more on logic than the presumption which is sought to be drawn by the petitioner.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to

costs. However, it is directed that respondent No. 1 shall hand over the damaged vehicle to the petitioner and also get the registration done in its name and the amount deposited by the petitioner in the Registry of this Court shall be released to respondent No. 1 on verifying this identity through his advocate.

December 14, 2017

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes / No
<i>Whether Reportable</i>	:	Yes / No