

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

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**FAO No.2697 of 2012 with
XOBJC-35-CII of 2013 (O&M)**
Decided on : 08.09.2017

New India Assurance Company Ltd.

... Appellant

Versus

Joga Singha and others

.. Respondent

**FAO No.2698 of 2012 with
XOBJC-33-CII of 2013 (O&M)**
Decided on : 08.09.2017

New India Assurance Company Ltd.

... Appellant

Versus

Harbhajan Singh and others

.. Respondents

**FAO No.2699 of 2012 with
XOBJC-30-CII of 2013 (O&M)**
Decided on : 08.09.2017

New India Assurance Company Ltd.

... Appellant

Versus

Paramjit Singh and others

.. Respondents

**FAO No.2700 of 2012 with
XOBJC-34-CII of 2013 (O&M)**
Decided on : 08.09.2017

New India Assurance Company Ltd.

... Appellant

Versus

Jagdish Ram and others

.. Respondents

**FAO No.2701 of 2012 with
XOBJC-31-CII of 2013 (O&M)**
Decided on : 08.09.2017

New India Assurance Company Ltd.

... Appellant

Versus

Mandip Kaur and others

.. Respondents

**FAO No.2702 of 2012 with
XOBJC-32-CII of 2013 (O&M)
Decided on : 08.09.2017**

New India Assurance Company Ltd.

... Appellant

Versus

Mandip Kaur and others

.. Respondents

CORAM : HON'BLE MRS.JUSTICE REKHA MITTAL

Present : Mr.Vinod Gupta, Advocate
for the appellants in all appeals.

Mr.Baldev Kapoor, Advocate
for respondent No.3 in FAO No.2697 of 2012,
for respondent No.4 in FAO No.2698 of 2012,
for respondent No.5 in FAO No.2699 of 2012,
for respondent No.4 in FAO No.2700 of 2012,
for respondent No.5 in FAO No.2701 of 2012,
for respondent No.5 in FAO No.2702 of 2012.

Mr.Satinder Khanna, Advocate
for Cross-objectors/respondents No.1 to 3
in Cross-objections No.30-CII of 2013.

Mr.Satinder Khanna, Advocate
for Cross-objectors/respondents No.1 to 3
in Cross-objections No.31-CII of 2013.

Mr.Satinder Khanna, Advocate
for Cross-objectors/respondents No.1 to 3
in Cross-objections No.32-CII of 2013.

Mr.Satinder Khanna, Advocate
for Cross-objectors/respondents No.1 and 2
in Cross-objections No.33-CII of 2013.

Mr.Satinder Khanna, Advocate
for Cross-objectors/respondents No.1
and 2 in Cross-objections No.34-CII of 2013.

Mr.Satinder Khanna, Advocate
for Cross-objector/respondent No.1
in Cross-objections No.35-CII of 2013.

Rekha Mittal, J. (Oral)

This order will dispose of **FAO Nos.2697 to 2702 of 2012 and Cross objections Nos.30 to 35-CII of 2013** by a common order as these have emerged out of the same accident.

Counsel for the parties are ad idem that the appeals preferred by the Insurance Company may be allowed. Awards dated 22.11.2011 passed by the Motor Accidents Claims Tribunal, Saheed Bhagat Singh Nagar be set aside and the matter be remitted to the Tribunal for adjudication afresh after impleading Rana Bus Services Ltd. Hoshiarpur, registered owner of vehicle No.PB-09-J-9897 as a party on the array of respondents.

In view of the above, the awards which are subject matter of the appeals and cross objections are ordered to be set aside and the matter is remitted to the Tribunal for decision afresh after impleading Rana Bus Services Ltd., Hoshiarpur, registered owner of the alleged offending vehicle as a party on the array of respondents.

However, compensation earlier assessed by the Tribunal and paid to the claimants, shall not be recovered by the Insurance Company till the matter is adjudicated afresh by the Tribunal. The parties would be at liberty to adduce their evidence in accordance with law and make submissions in support of their respective claims. It is clarified that nothing held in the earlier awards would cause prejudice to either of the parties at the time of fresh adjudication.

As the matter pertaining to accident dated 29.03.2010 has

been revived on board of the Tribunal, the Tribunal shall put its best efforts to dispose of the cases expeditiously preferably within a period of six months from the date of completion of service of newly added respondent. Parties through their counsel are directed to appear before the Tribunal on 25.09.2017.

Photocopy of this order be placed on the files of connected cases.

[Rekha Mittal]
Judge

08.09.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No