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

**CWP-5522-2017**
**Date of decision: 18.03.2017**

**National Insurance Company Limited and another**
**…..Petitioners**

**versus**

**Shubi Kawatra and others**
**……Respondents**

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Rajneesh Malhotra, Advocate for the petitioners

*1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
*2. To be referred to the Reporters or not ?*
*3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J. (Oral)**

Impugned in the present petition is the award dated 28.10.2016 (Annexure P1) passed by the Permanent Lok Adalat, Public Utility Services, Karnal Camp Court at Kurukshetra.

Briefly stated, the respondent had insured his new Maruti Swift Dzire Car, bearing Temporary Registration No.HR-99-SPHQTP-989 with the present petitioners for the period from 20.6.2014 to 19.6.2015. Car was financed by Canara Bank. On the midnight between 27th and 28th August 2014 when the insurance policy was still in force, the car was stolen from the parking area in front of H.No.C-61 by some unknown person, regarding which an FIR No.1201 dated 28.8.2014 was registered under Section 379 IPC. The Insurance company repudiated the claim on the ground that at the time of alleged theft, it was not having valid registration number in violation of terms and conditions of the insurance policy and provisions of the Motor Vehicles Act. The Permanent Lok Adalat repelled the said contention and passed the impugned award against the insurance company-petitioner directing it to pay the insured sum to the petitioner.

Learned counsel for the petitioner has argued that admittedly, at the time of said theft, the temporary registration number had expired after 30 days and no permanent registration number was taken. It is stated that it is in violation of Sections 39 and 43 of the Motor Vehicles Act. Reliance has also been placed on the authority of Hon'ble Supreme Court in *Narinder Singh vs. New India Assurance Company Ltd. and others, 2014 (4) R.C.R. (Civil) 272*.

A perusal of the said authority shows that it was an accident case when the vehicle was being used without applying for permanent registration number after the expiry of said period of 30 days. However, in the present case, the vehicle was not being used but was parked when it was stolen. Section 39 of the Motor Vehicles Act prohibits the driving of the vehicle without registration on any public place. The position would have been different had the vehicle incurred any liability under the insurance policy while being driven. However, in the present case, the vehicle was not being driven and was parked at the time of alleged theft. Therefore, it was not being used at the time of alleged occurrence.

It being so, it was rightly held by the Permanent Lok Adalat that the insurance company cannot avoid the liability.

In view of above discussion, the present petition stands dismissed.

**18.03.2017** **(Kuldip Singh)**
*gk* **Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No