

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

FAO-8514-2014 (O&M)
Date of decision: 08.12.2017

Shri Ram General Insurance Company Limited Appellant

Versus

Vinay Pal and others Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Arun Sharma, Advocate for
Mr.T.K.Joshi, Advocate
for the appellant.

None for the respondents.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 12.11.2013 passed by Motor Accidents Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal').

There was a motor vehicular accident that occurred on 22.09.2011 at about 2.30 p.m. Vinay Pal was hit by rashly and negligently driven offending vehicle bearing registration No.HR-47A-5932. As a result of the accident, he suffered injuries. FIR was also lodged.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed.

The Tribunal awarded a sum of Rs.33,715/- along with interest @ 6% per annum. The Tribunal after noticing the fact that the insurance was effective from 5.44 p.m. on 22.09.2011 to mid night of 21.09.2012 gave

recovery rights to the Insurance Company.

The Insurance Company has filed the present appeal being aggrieved that Tribunal after giving finding on policy should have exonerated the Insurance Company.

I have heard learned counsel for the Insurance Company.

No one appears for the respondents inspite of service.

In the present appeal, the amount involved is only Rs.33,715/-. It is not disputed that though at the time of accident, the Insurance Policy was not effective but it became effective on same day almost after three hours of the accident. In such circumstances, the Insurance Company was not liable for paying the compensation.

In view of the fact that the amount involved is very small and the right of the Insurance Company has been safeguarded by giving them the recovery rights, the issue involved in the present appeal is not being decided on merits.

Learned counsel for the Insurance Company states that the amount has already been paid to the claimant. There is no occasion for interference in the award at this stage in view of the amount involved.

In view of the said statement, this appeal is disposed of.

(AVNEESH JHINGAN)
JUDGE

08.12.2017

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No