

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

FAO No. 2590 of 2017 (O&M)
Date of Decision: December 15, 2017

Shri Ram General Insurance Co. Ltd.

...Appellant

Versus

Jaswinder Kaur and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajbir Singh, Advocate
for the appellant.

ANITA CHAUDHRY, J.

This is an appeal by the insurance company aggrieved by the finding recorded by the Tribunal placing the liability of payment of compensation upon them. The records were summoned and have been received.

I have heard the counsel for the insurance company.

Counsel submits that the proposal form was a fake document and they had placed on record the public notice as the cover note/proposal book of the insurance company had been lost and a DDR Ex. R-3 was introduced in evidence and the policy was fake and this fact has been ignored by the insurance company.

I find that the Tribunal has dealt with this aspect exhaustively in para 37 of the order. The Publication relied upon by the

insurance is with respect to the proposal forms which have 6 digits. An explanation was sought to be given that there was a misprint and the last digit had been missed out but it does not appear so. All the numbers given in the publication carry 6 digits and not 7 and the notice does not relate to the proposal form, which was presented by the owner driver.

Additionally, I find that had it been a case of fraud, the company would have lodged an FIR against the owner, which it seems was not done.

There is no merit in the appeal and is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

December 15, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No