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

**FAO No. 2864 of 2017
Decided on:19.07.2017**

Reliance General Insurance Company Ltd.Appellant

versus

Sonu and othersRespondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Subhash Goyal, Advocate
for the appellant.

Rajbir Sehrawat, J.(Oral)

This is an appeal filed by the Insurance Company challenging the award dated 15.11.2016 whereby the claimant had been granted Rs. 7,12,681/- as compensation to the injured claimant-Sonu on account of medicine, permanent disability and other minor heads.

Learned counsel for the appellant states that he is pursuing this appeal only to the extent of claiming recovery rights against the owner and driver.

To substantiate his claim, he submits that the claimant has failed to prove his plea that the vehicle in question was having the requisite permit and the fitness certificate to ply on the road. He states that the Tribunal has discussed only the question of driving license which the company is not disputing even now. However, the company has not examined any witness to prove any document.

Further he states that they had requested the owner to supply the copies of the permit and the fitness certificate and other documents by serving the notice upon the owner, which is claimed to be placed on record as Ex. R4 on the file of the Motor Accident Claims Tribunal. But these documents were not supplied by owner

It is admitted by the learned counsel for the appellant that in order to prove the notice upon the owner of the offending vehicle, the Insurance Company had neither examined any witness nor any other evidence has been led by the Insurance Company to prove that the offending vehicle was not having the requisite permit and fitness certificate at the time of accident. On a specific query put to learned counsel for the appellant as to whether any suggestion was put to the driver of the offending vehicle- Surinder Kumar when he appeared as RW1 to the effect that vehicle was not having requisite permit and fitness certificate, he is admitted that not even such suggestion was put up to the witness in this regard.

In view of the above situation, there is no infirmity in the award passed by the Motor Accident Claims Tribunal and this appeal stands dismissed.

19th July, 2017

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**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No