

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3579 of 2017 (O&M)
Date of decision: May 23, 2017

National Insurance Company Ltd. ... Appellant

Versus

Sukhjit Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Taunque, Advocate for the appellant.

Rajan Gupta, J.

Appellant National Insurance Company Limited has impugned the award dated 07.12.2016, passed by Motor Accident Claims Tribunal, Ferozepur, whereby compensation has been awarded to the claimant on account of damage caused to his car in the accident.

Learned counsel for the appellant has challenged the award on the ground that temporary registration number of the vehicle was expired on the date of accident, thus, there was violation of terms and conditions of the insurance policy.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

It appears, accident took place on 3.12.2014, in which Sukhjit Singh claimant along with his colleague Balkar suffered injuries and his car bearing registration No.PB-05Q-9903 was also damaged due

to rash and negligent driving of driver of bus No.PB-02-AP-9923. Claimant filed a claim petition under section 166 of the Act claiming compensation on account of damage to his car. The tribunal held that accident took place due to rash and negligent driving of driver of the offending bus. In the accident the car was almost totally damaged and same was not in a condition to be repaired. Keeping in view the facts and circumstances of the case, the tribunal granted Rs.3,00,000/- as compensation to the claimant along with interest @ 7.5% per annum from the date of filing of the petition till realization.

There appears to be no apparent error in appraisal of evidence by the tribunal. The insurance company did not lead any evidence to prove the fact that there was any violation of terms and conditions of the insurance policy. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

CM-11578-CII-2017:

There is a delay of 57 days in filing the appeal. Since the main appeal has been dismissed on merits, this application for condonation of delay does not survive and same is also dismissed.

(RAJAN GUPTA)
JUDGE

May 23, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No