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

1. FAO No.4981 of 2017 (O&M)

Date of Decision: 14.11.2017

Smt. Raj Paul Kaur

. . . Appellant

Versus

Gurmeet Kaur and others

. . . Respondents

2. FAO No.5067 of 2017 (O&M)

Date of Decision: 14.11.2017

Smt. Raj Pal Kaur

. . . Appellant

Versus

Tarsem Singh and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the appellant.

Ms. Richa Mittal, Advocate for
Mr. Inderjeet Sharma, Advocate
for respondent No.3-Insurance Company

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Rajbir Sehrawat, J. (Oral)

This order shall dispose of two appeals i.e. FAO No.4981 of 2017 and FAO No.5067 of 2017 as both these appeals have been filed by the owner of the offending vehicle which caused the accident, giving rise to the claim petition in which the award was passed.

Shorn of details, the owner has challenged the above said award passed by the Motor Accidents Claim Tribunal, Ferozepur (for short the 'Tribunal) granting the compensation to the claimants in both the appeals on account of injury and death case. The Tribunal has exempted the insurance company from payment of compensation to the claimants. The reason given by the Tribunal is that the policy placed on record of case does not pertain to the vehicle involved in the accident. So the insurance of vehicle is not proved.

Along with the present appeal, the appellant has filed a copy of the insurance policy by moving an application for additional evidence. Notice of the application for additional evidence as well as of the appeal was given to the respondent No.3, Insurance Company only.

Learned counsel for the respondent No.3-Insurance Company was asked to verify and find out whether the policy pertains to the vehicle involved in the accident or not.

Ms. Richa Mittal, Advocate for Mr. Inderjeet Sharma, Advocate puts in appearance on behalf of respondent No.3- Insurance Company; along with the copy of verified policy in question.

A perusal of the record reveals that the Tribunal has held that respondent No.3-Insurance Company is not liable to pay any amount of compensation to the claimants; on the ground that the insurance policy of offending vehicle has not been proved on record and the vehicle was not insured with the respondent-Insurance Company, at the time of accident.

Learned counsel for respondent No.3-Insurance Company, today, apprised this Court that the respondent No.3-Insurance Company has verified the policy attached with the appeal and has found that it is genuine and that the offending vehicle was insured with the respondent-Company and it had a valid and effective insurance policy on the date of accident. The details of the policy have been fully verified by the insurance company.

After this admitted verification of insurance policy by the Insurance Company, there is no ground left to exempt the Insurance Company from any liability of payment of compensation awarded by the Tribunal.

In view of the above, the award passed by the Tribunal is modified to the extent that respondent No.3, Insurance Company, would be liable to make the payment of the amount of award passed by the Tribunal.

In view of the above, the appeals are allowed in the abovesaid terms.

[RAJBIR SEHRAWAT]
JUDGE

November 14, 2017.
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No