

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

437

Date of Decision : 05.07.2018

1.

FAO No.64 of 1999 (O&M)

The United India Insurance Co., Ltd.

..... Appellant

Versus

Sechna Devi and others

..... Respondents

2.

FAO No.657 of 1999 (O&M)

The United India Insurance Co., Ltd.

..... Appellant

Versus

Mahesh Paswan and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. R.N.Singal, Advocate
for the appellant.

Mr. Vivek Sharma Vashisht, Advocate
for respondents No.1 to 5
(FAO No.64 of 1999).

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two appeals.

These two appeals arise out of two claim petitions which in turn arose from the same accident. Since a very limited issue is involved detailed reference to the facts may not be necessary. Both the claim

applications were allowed and the Insurance Company has come up in appeal primarily on the ground that in fact the owner of the truck had got the truck insured by using forged documents. In support of this document he has cited the testimony of RW-I-Jagdev Singh, Clerk of DTO Office, Ludhiana who came and testified that Registration No.PAV-9721 was in fact allotted to a motor cycle owned by some other person who was a resident of Khanna.

Learned counsel has further argued that the owner and driver were proceeded against ex-parte and did not come to explain how the truck was also registered with the same number as the motor cycle was registered. Counsel points out that even the Tribunal has held that this would give a cause to the Insurance Company against the owner and driver. He has further argued that once the Tribunal was of this opinion it should have directed the Insurance Company to pay the compensation to the claimants in the first instance but should have allowed it to recover the same from the owner and driver-respondents No.6 & 7. Respondents No.6 & 7 have been served through publication but have chosen not to appear before this Court.

Learned counsel for respondents No.1 to 5-claimants states that he would have no objection if the prayer made by the Insurance Company is allowed.

In the circumstances of the cases even while dismissing the appeals against respondents No.1 to 5 in FAO No.64 of 1999 and respondent No.1 in FAO No.657 of 1999, the appeals are allowed qua respondents No.6 & 7 in FAO No.64 of 1999 and respondents No.2 and 3 in FAO No.657 of 1999. The appellant-Insurance Company is given recovery

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

05.07.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

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