

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3717 of 2011 (O&M)
Date of decision:28.08.2018.

ICICI Lombard General Insurance Company Ltd.

...Appellant

Versus

Palwinder Singh and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mrigank Sharma, Advocate for the appellant.

Mr. Vipin Mahajan, Advocate for
Mr. Amit Gupta, Advocate for respondent No.1.

LISA GILL, J.

Notice of the application for condonation of delay of 170 days in filing the appeal was issued to the Insured and driver. The matter is pending for service of respondent No.2. It is, however, brought to my notice that the only question involved in this appeal was whether absence of an endorsement by the Licensing Authority for driving a transport vehicle/goods carriage commercial vehicle amounts to a fatal breach of the Insurance policy thereby absolving the Insurance Company. It is further submitted that the matter is no longer res integra as the controversy stands decided against the appellant vide the judgment of Hon'ble Supreme Court in Mukand Dewangan Vs. Oriental Insurance Company, 2017 (4) RCR (Civil) 111. Learned counsel for the appellant is unable to deny the same. No purpose shall be served with the continuance of the present appeal in the given circumstances.

Accordingly, the appeal is dismissed.

**(LISA GILL)
JUDGE**

August 28, 2018
Ishwar