

101.

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

**FAO-1893-2012 (O&M)**

Date of decision:20.02.2018.

MANOJ KUMAR

... Appellant

Versus

KULDEEP AND ORS

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

----

Present: Mr. Madan Sandhu, Advocate, for  
Mr. Ajay Shekhawat, Advocate,  
for the appellant.

Mr. Vishal Aggarwal, Advocate,  
for respondent No.3.

----

**HARI PAL VERMA, J. (Oral)**

**CM-7994-CII-2012**

Prayer in this application filed under Section 5 of Limitation Act read with Section 151 CPC is for condonation of delay of 54 days in filing the present appeal.

For the reasons stated in the application, same is allowed and the delay of 54 days in filing the appeal is condoned.

**FAO-1893-2012**

Appellant-claimant has filed the present appeal impugning the award dated 21.10.2011 passed by Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') whereby his claim petition for compensation on account of damage caused to the motorcycle bearing registration No.HR-12G-2845, was dismissed.

Learned counsel for the appellant has argued that the rejection

of appellant's claim by the Tribunal is wrong. The claim has been declined

on the ground that the claimant has submitted his claim before the Insurance Company with whom the motorcycle was insured, whereas this Insurance Company has not awarded any damage to the motorcycle.

Heard.

In paragraph 20 of the award, the claim, as put forward by the claimant, has been considered by the Tribunal in the following manner:-

“20. From the above-discussed dispositions of PW2 and PW3 as well as Insurance Policy Exhibit R1, it becomes crystal clear that the abovesaid motorcycle of petitioner Manoj was duly insured with Sri Ram General Insurance Company Ltd. on the date of the aforesaid accident i.e. 17.4.2011 and the surveyor of the aforesaid Insurance Company, had also gone to the workshop of PW2 and had got the aforesaid 'Estimate' Exhibit P12 prepared. Petitioner Manoj has not led any cogent evidence on the file to prove that he had not put forth any claim, regarding compensation on account of damage to the abovesaid Motorcycle, before the abovementioned insurance company with which it was insured vide Exhibit R1. Undisputedly, the aforesaid petitioner cannot be allowed to claim compensation from the insurance company of his motorcycle as well as from the insurance company of the aforesaid offending car simultaneously, on account of the damage to his motorcycle in aforesaid accident. In such circumstances, petitioner Manoj in MACT petition No.67 of 2011, cannot be held to be entitled to claim any compensation on account of damage to the abovesaid motorcycle in the aforesaid accident.”

Thus, once the claim of the claimant has been declined by the Insurance Company with whom the motorcycle was insured, it does not give a fresh right to the appellant-claimant to claim from the Insurance Company with whom the offending car was insured.

Dismissed.

**(HARI PAL VERMA)**  
**JUDGE**

20.02.2018  
sanjeev

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