

Sr. No. 206

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

**CWP No.9890 of 2015 (O&M)
Date of Decision: 06.12.2018**

Ali Jan

... Petitioner

Versus

Permanent Lok Adalat and another

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ashish Gupta, Advocate,
for the petitioner.

Mr. Rajbir Singh, Advocate,
for respondent No.2.

ARUN MONGA, J.(ORAL)

Learned counsel for the petitioner *inter alia* relies on the judgment rendered by this Court in CWP No.8107 of 2009. This Court was in agreement therein with the opinion of the Lok Adalat whereby it was held that registration of a vehicle is just a formality. Any delay in registering a vehicle cannot exonerate the insurer to avoid the insurance contract, provided registration has been applied for.

2. Learned counsel for the petitioner very fairly also points out a later judgment of ***Hon'ble Supreme Court rendered in Narinder Singh Vs. New India Insurance Company, 2014 ACJ 2421.***

3. The Apex Court had an occasion to deal with the similar

situation and while interpreting the Section 39 read with Section 43 of the Motor Vehicles Act, 1988 observed as below:-

“The only issue for consideration is, as to whether the National Commission is correct in law in holding that the appellant is not entitled to claim compensation for damages in respect of the vehicle when admittedly the vehicle was being driven on the date of accident without any valid registration as contemplated under the provisions of Section 39 and Section 43 of Motor Vehicles Act.

X-X-X-X-X-X-X-X-X-X-

A bare perusal of Section 39 shows that no person shall drive the motor vehicle in any public place without any valid registration granted by the registering authority in accordance with the provisions of the Act.”

4. Present writ petition having been filed concededly on the fact that at the time of accident the vehicle did not have any valid registration, therefore is totally covered by the judgment of the Supreme Court, *ibid*.

5. In view thereof, the present writ petition is dismissed.

6. No order as to costs.

(ARUN MONGA)
JUDGE

06.12.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No