

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

FAO No.3800 of 2015 (O&M)

Date of decision: 19.02.2018

M/s Chola Mandalam General Insurance

... Appellant

Versus

Smt. Mukesh Devi and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Vandana Malhotra, Advocate
for the appellant.

Mr. Tanmoy Gupta, Advocate
for respondents No.1 to 3.

Ms. Nikhar Baranwal, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for respondents No.4 & 5.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for IFFCO Tokio General Insurance Company Ltd.

REKHA MITTAL, J. (Oral)

CM No.11567-CII of 2015

Heard.

Allowed as prayed for. Delay of 116 days in filing the appeal
stands condoned.

Main Case

Counsel representing the IFFCO Tokio General Insurance Company Ltd. would state that as per the verification, the vehicle in question Pick-up No.RJ-23-GA-5360 (offending vehicle) was insured with IFFCO Tokio General Insurance Company Ltd. at the relevant time.

Counsel for the appellant would state that as M/s Chola Mandalam General Insurance was not insurer of the vehicle in question, liability to pay compensation cannot be fastened against the said company and the award is liable to be set aside.

Counsel for the claimants would state that the award may be set aside and the matter be remitted to the Tribunal for decision afresh after impleading IFFCO Tokio General Insurance Company Ltd. as respondent No.3 therein in place of M/s Chola Mandalam General Insurance.

Counsel for the appellant as well as IFFCO Tokio General Insurance Company Ltd. have got no objection.

In view of the above, the appeal is allowed. The award passed by the Tribunal is set aside and matter is remitted to the Tribunal for adjudication afresh after impleading IFFCO Tokio General Insurance Company Ltd. as respondent No.3.

Since the matter pertains to occurrence of July, 2013 and the claimants till date have not been paid even a single penny, the Tribunal shall complete the proceedings within three months from the parties putting in appearance. The parties through their counsel are directed to appear

before the Tribunal on 19.03.2018. Prayer for refund of statutory amount i.e. Rs.25,000/- is declined and the same be remitted to the Tribunal for payment to the claimants.

19.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No