

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

FAO-5348-2016 (O&M)
Date of Decision : 14.9.2018

Unkardeep Singh and another

....Appellants

vs.

National Insurance Company Limited and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ramandeep, Advocate
 for the appellants.

Mr. Vinod Gupta, Advocate
for the respondent-insurance company.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the owner and driver against the order dated 10.2.2016 passed by Motor Accident Claims Tribunal , Patiala challenging the recovery rights.

On the earlier occasion transport authority, Patiala has been directed to certify whether the vehicle was authorized.

On 15.1.2018 the following order as passed :-

“CM No. 18353-CII of 2016 :

For the reasons mentioned in the application, same is allowed and delay of 123 days in filing the present appeal is condoned.

Application stands disposed of.

Main Case

After going through the status report, filed by Regional

Transport Authority, Vide Annexure R-1 and Annexure R-1/T which shows that the offending vehicle of the owner was having valid fitness certificate which is valid from 19.09.2013 to 02.10.2014 and accident took place on 23.12.2013.

Hence, the liability of insurance company could not be washed away.

Notice of motion for 05.04.2018.

In the meantime, interim order to continue.

Officer is exempted from appearance on the next date of hearing. “

Counsel for the insurance company has fairly accepted that vehicle was not being driven unauthorizedly. In the circumstances, the appeal is allowed and recovery rights are set aside.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No