

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

211

FAO No.9535 of 2014 (O&M)

Date of decision: 25.01.2018

SURMU AND ANR.

...Appellants

Versus

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY & ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Himanshu Monga, Advocate for
Mr. R.K. Arya, Advocate
for the appellants.

Mr. M.B. Jain, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

CM-26434-CII-2014

Heard.

Allowed as prayed for. Delay of 20 days in filing the appeal
stands condoned.

Main Case

The present appeal directs challenge against award dated
22.04.2014 passed by the Motor Accidents Claims Tribunal, Jalandhar
whereby compensation has been awarded in regard to death of Ved Parkash
in a motor vehicular accident that took place on 22.04.2011.

The instant appeal has been preferred by the driver and owner of the offending vehicle primarily to challenge findings of the Tribunal on issues No.3 and 4, taken up jointly with issue No.2 whereby the insurance company has been given recovery right against the appellants.

Short reply to the application under Order 41 Rule 27 CPC filed by the insurance company, is taken on record.

Counsel for the insurance company, in terms of reply to the application for additional evidence, would state that driver of the offending vehicle was possessing a valid licence and the vehicle in question did not require to obtain any route permit.

In view of the averments raised in the reply and submissions made by counsel for the insurance company, findings of the Tribunal on issues No.3 and 4 cannot be allowed to sustain and accordingly ordered to be set aside. As a natural corollary, the insurance company shall be jointly and severally liable to pay compensation to the claimants in discharge of its contractual obligation to indemnify the insured.

No other point has been raised.

For the foregoing reasons, the appeal is partly allowed. The insurance company shall be jointly and severally liable to pay compensation without any right of recovery against the appellants.

No order as to costs.

25.01.2018

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No