

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

RSA No.3735 of 2011 (O&M)

Date of decision : 09.10.2018

The Motor & General Finance Ltd.

...Appellant

Versus

The Oriental Insurance Co. Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suman Jain, Advocate for the appellant.

Mr. D.P. Gupta, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against a small condition put up by the learned First Appellate Court.

As regards the claim of the plaintiff-appellant for the recovery of ₹2,75,000/- alongwith interest is not in dispute. The vehicle which had been financed by the predecessor of the plaintiff-appellant company insured with respondent No.1 had been stolen and the appellant-company having finance with vehicle on higher purchase, claimed the amount of insurance. It is not in dispute that the Insurance Company has sanctioned and found that amount of ₹2,75,000/- is payable to the appellant. However, learned First Appellate Court has made the payment subject to transfer of the Registration Certificate in favour of respondent No.1.

Learned counsel for the appellant submits that the vehicle was

stolen in the year 1998 and for the last 20 years, it has not been found. He submits that as and when the vehicle is found, the appellant can be bound down to ensure that the Registration Certificate is transferred in favour of respondent No.1.

In view of the aforesaid undertaking given by the learned counsel for the appellant, the decree passed by the First Appellate Court is modified. The respondent shall pay the amount forthwith alongwith interest as ordered by the Court from the date of filing of the suit. However, respondent No.1 shall be entitled to get the registration of the vehicle in its favour if the vehicle is found through execution of the decree in case the appellant refuses to transfer the Registration Certificate.

In view of the above, the present Regular Second Appeal is disposed of.

09.10.2018

Pawan

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No