

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

RSA No. 1286 of 2012 (O&M)
Date of decision : March 12, 2018

Jatinder Kaur

..... Appellant

v.

New India Assurance Company Limited

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harkaran Singh, Advocate
for Mr. BS Bhalla, Advocate
for the appellant.

Ms. Anamika Mehra, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit filed by the respondent. The essential facts are that the appellant was owner of a vehicle which she had got insured with the respondent. An accident took place with that vehicle. Claim petition under the provisions of the Motor Vehicles Act was filed. That claim petition was allowed and damages were awarded to that claimant which were ordered to be paid by the respondent who was given a right for recovery from the owner. Pursuant to that right of recovery, the instant civil suit was filed by the respondent. Both the Courts having decreed the suit, the appellant is before this Court.

The only argument of counsel for the appellant is that the driver was a necessary party and he not having been impleaded, the suit could not proceed.

Both the Courts below have negatived this argument by holding that the contract was between the appellant who got insured her vehicle with the respondent and the driver was a third party and any right of recovering money which the respondent could have exercised could only be against the appellant as it had no privity of contract with the driver. Counsel for the appellant has not been able to argue how this finding is flawed. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 12, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No