

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

245

FAO No.7565 of 2017 (O&M)

Date of decision: 08.05.2018

RAM DUTT SHARMA

... Appellant

Versus

KANCHAN DEVI AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Verma, Advocate for the appellant.

Mr. Vinod Chaudhari, Advocate for respondent No.6.

REKHA MITTAL, J. (Oral)

The registered owner of the offending vehicle tractor No.HR-51-AX-0710 has filed the instant appeal to the limited extent for challenging findings of the Tribunal on issue No.3 whereby the appellant has been blamed for contravening the terms and conditions of the insurance policy as appellant (driver-cum-owner) was possessing licence of LMV-NT (Non Transport) but he was driving the tractor.

The controversy raised in the present appeal is squarely covered in favour of the appellant in view of latest judgment of Hon'ble the Supreme Court **Mukund Dewangan vs. Oriental Insurance Company Limited, 2017(7) Scale 731**. In this view of the matter, findings recorded by the Tribunal on issue No.3 cannot be allowed to sustain and accordingly 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 obligations created under the policy.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

08.05.2018

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No