

RA-CR-111-2019(O&M) in
FAO-6272-2015

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

RA-CR-111-2019(O&M) in
FAO-6272-2015
Date of decision:-2.12.2019

Inderpal and another

...Applicants/Appellants

Versus

Shriram General Insurance Company Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Maninder Arora, Advocate
for the applicants/appellants.

Ms.Sheenu Sura, Advocate
for respondent No.1.

H.S. MADAAN, J.

CM-14051-CII-2019

Heard.

For the reasons mentioned in the application, the same is
allowed and delay of five days in filing the review application stands
condoned.

RA-CR-111-2019

This is an application for review of the order dated 28.5.2019.

Notice of the application was given to respondent – insurance
company, which has put in appearance through counsel.

I find that deceased Satvir Singh and others were travelling in

TATA ACE bearing No.HR47-5171 when the said vehicle was hit by truck bearing registration No.DL-1-LG-5406 being driven by respondent No.1 Inderpal in rash and negligent manner. The driver, owner and insurance company of the truck have been found liable to pay compensation to the claimants vide order passed in FAO-6272-2015. However, while deciding that case, the deceased was inadvertently taken to be a gratuitous passenger travelling in the offending truck, for that reasons the insurance company had been granted recovery rights but as per the factual position, the deceased was travelling in other vehicle and could not be taken to be gratuitous passenger. As such it could not be taken that violation of any terms and conditions of the insurance policy of the offending truck had taken place.

Therefore, the application is allowed and the direction permitting the insurance company to recover the amount paid by it to the claimants under the award from respondents No.1 and 2 i.e. appellants in FAO-6272-2015 stands deleted.

2.12.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No