

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2033 of 2011 (O&M)
DECIDED ON: JANUARY 08, 2019

ANITA & ANOTHER

.....APPELLANTS

VERSUS

KRISHAN KUMAR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Varun Singh Dhanda, Advocate
for the appellants.

None for the respondent-Insurance Co.

AVNEESH JHINGAN J. (ORAL)

The legal heirs of Ram Niwas (deceased) are in appeal against the award dated 29.04.2010 passed by the Motor Accident Claims Tribunal, Panipat (for brevity 'the Tribunal').

A motor vehicular accident took place on 28.03.2008. The vehicles involved in the accident were a truck bearing registration No. HR-46-B-4853 and a tempo bearing registration No. HR-67-3020. In the accident the tempo was damaged.

A claim petition was filed by the legal heirs of Ram Niwas claiming compensation for the damages to the tempo. The said petition was dismissed by the learned Tribunal as the claimants failed to produce the registration certificate of the tempo to prove that Ram Niwas, who lost his life in the accident, was the owner of the said tempo.

Aggrieved of the dismissal the present appeal has been filed. Alongwith the appeal copy of registration certificate of the tempo and insurance cover note have also been annexed.

Learned counsel for the appellants argues that the repair bills were duly exhibited before the Tribunal and proved but the petition seeking compensation regarding damages for tempo was dismissed merely on the ground that registration certificate was not produced, which is being produced now in appeal. The same should be considered and the petition claiming compensation for damages to the tempo should be allowed.

It is not disputed by the appellants that the said documents were not produced before the Tribunal. In such circumstances, it would not be appropriate to rely upon the said documents without affording an opportunity to the insurer of the truck to verify or to rebut the registration certificate of the tempo and also the insurance cover note.

The matter is remitted back to the Tribunal to decide the claim petition i.e. MACT Case No. 109 of 2008 claiming compensation for damages to tempo afresh after considering its registration certificate and insurance cover note produced before this Court. The Tribunal shall provide an opportunity to the insurer of the truck to rebut or to verify the said documents.

The appeal is disposed of, accordingly.

(AVNEESH JHINGAN)
JUDGE

JANUARY 08, 2019
sham

Whether speaking/reasoned:
Whether reportable :

Yes / No
Yes / No