

FAO No.182 of 2014 (O&M)
Date of Decision: 26.11.2019

Shri Ram General Insurance Company Ltd.

....Appellant

Versus

Paramjit and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Tejinder K. Joshi, Advocate, for the appellant.

NIRMALJIT KAUR, J. (ORAL)**CM-397-CII-2014**

For the reasons mentioned in the application, the delay of 23 days in refileing of the appeal is condoned.

CM stands allowed.

CM-398-CII-2014

For the reasons mentioned in the application, the delay of 295 days in filing of the appeal is condoned.

CM stands allowed.

Main appeal

While praying for setting aside the award dated 10.10.2012 passed by the learned Motor Accident Claims Tribunal, Gurdaspur, learned counsel for the appellant raised following three arguments.

Firstly, there was no valid route permit. Secondly, the registration number of the vehicle was different in the FIR and in the claim petition. Thirdly, the 1/3rd cut is excessive.

However, taking up the first argument, it is not disputed that the matter is squarely covered by the Division Bench judgment of this Court in FAO No. 3726 of 2006 titled as United India Insurance Company Limited vs. Subhash Chander decided on 18.8.2006, wherein it was held that since there was no mention of route permit either in Section 2(31) of the Motor Vehicles Act, 1988 (for short, 'the Act') nor in Section 149 of the Act, which relates to insurer's liability, the insurer cannot be absolved of its liability.

Thus, the said issue stands covered against the appellant by the aforesaid judgment. The argument deserves to be rejected.

The second arguments too cannot be taken into consideration. The appellant cannot take advantage of some typographical error. In fact no evidence was produced to rebut the stand of the claimant qua the registration number of the vehicle in question as mentioned in the claim petition. The third argument too has not merit as the compensation has been awarded to two claimants and not one.

In view of the above, this Court finds no ground to interfere with the award passed by the Tribunal. Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

26.11.2019
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No