IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4383 of 2013(O&M)
Decided on:24.07.2019

Abrar Ahmad .....Appellant

versus

Jamila and others ....Respondents

CORAM : HON'BLE MR.JUSTICE DR.RAVI RANJAN

Present: Mr.Neeraj Khanna, Advocate,
for the appellant.

Mr.Suvir Dewan, Advocate,
for respondent no.5.

Mr.Karan Singh, Advocate,
for respondent no.6.

DR.RAVI RANJAN, J. (Oral Judgment)

This appeal is being heard for its final disposal at the request of learned counsel for appellant as well as learned counsel appearing for the respondent no.5-Insurance Company. The appellant, who is the owner of the offending vehicle, has filed an application (CM No.18248-CII of 2013) for bringing on record the route permit which was given by the concerned authority and which was valid at the time of motor vehicular accident in question. It appears from the impugned Judgment and Award of the Tribunal that, at the time of hearing the claim case, it was conceded by the owner of the truck that there was no route permit of the truck on the date of accident. This is the reason why he has moved such application for bringing on record the route permit of the vehicle granted by the competent authority.

Very fairly the Insurance Company has filed a reply thereto accepting the factum that at the time of accident, valid route permit of the vehicle was there and, in such a situation and circumstance, this Court would have no hesitation in holding that since the offending vehicle was insured with the Insurance Company (respondent no.5), the insurer would be liable to indemnify the claimants in view of the fact that the liability was fixed upon the owner only for the reason that he was not able to produce the valid route permit. Now the situation has changed, it is apparent that valid route permit was there which has been accepted by the Insurance Company also, in such a situation, the finding recorded by the Tribunal with respect to issue no.7 has to be set aside and it should be decided in favour of the appellant/owner.

In the result, CM No.18248-CII of 2013 is allowed and the main appeal is allowed to the aforesaid extent. Since the amount has already been paid by the Insurance Company there would be no requirement for its recovery from the owner.

(DR. RAVI RANJAN)
JUDGE

July 24, 2019
dharamvir

Whether speaking/reasoned: Yes
Whether Reportable : No