

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3094 of 2015 (O&M)

Date of Decision: 06.03.2019

Sahjad and another

.....Appellants

Versus

M/s Reliance General Insurance Company Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Gupta, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.1-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The award dated 13.8.2012 passed by Motor Accident Claims Tribunal, Faridabad, (hereinafter referred to as 'the Tribunal') has been assailed by the owners of tractor bearing registration No.RJ-02-IR-3973 (hereinafter referred to as 'tractor').

The only grievance raised in the appeal is that the appellants were proceeded ex-parte without service, one counsel appeared on their behalf, who was not authorised by the appellants.

The grievance raised is that the appellants were proceeded ex-parte and the recovery rights has been granted to the Insurance Company on the ground that the tractor was used for commercial purpose whereas it was insured for agricultural purpose. It is argued that a fraud had been played with appellants as the counsel who appeared on their behalf was never authorised by them to appear. He further states that FIR has been registered against the counsel, who appeared on behalf of appellants without authorisation.

Learned counsel for the insurer contends that no application for setting aside the ex-parte order was filed.

Without expressing any opinion on the merits of the case, the matter is remanded back to the Tribunal to decide the issue with regard to liability to pay afresh, after considering the factum of service of notice upon respondents No. 2 and 3 (appellants herein) and its effect.

The parties are directed to appear before the Tribunal on 23.4.2019.

The present appeal is disposed of accordingly.

06.03.2019

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned	Yes
Whether Reportable:	No