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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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FAO No.4957 of 2015 (O&M)
Date of Decision: 12.03.2019

Kuldeep Kaur

Appellant

Versus

Ram Karan and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Robin Dutt, Advocate for
Mr. Pankaj Jain, Advocate
for the appellant.

Mr. Vivek Singla, Advocate
for respondent No.1.

Ms. Swati Batra, Advocate
for the Insurance Company.

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AVNEESH JHINGAN, J (Oral):

This is an appeal against award dated 08.05.2013 passed by the Motor Accident Claims Tribunal, Panchkula [for brevity 'the Tribunal'] filed by mother of Tejinder Singh (deceased).

[2] The owner-cum-driver, insurer (i.e. Reliance General Insurance Company Ltd.) of Hyundai Santro Car bearing registration No. HR-08H-3477 [hereinafter referred to as 'offending vehicle'], owner and driver of Maruti Car bearing registration No. CH-03Q-3053 [hereinafter referred to as 'Car'] have been arrayed

as respondents No.1 to 4 respectively in the appeal.

[3] The facts in brief are that a motor vehicular accident took place on 05.06.2009. Tejinder Singh was travelling in the Car. The accident was caused due to the rash and negligent driving of the offending vehicle and the same proved fatal for Tejinder Singh.

[4] In the claim petition filed under Section 166 of the Act, the Tribunal awarded a compensation of ₹6,22,000/- alongwith interest @ 7.5% per annum. The Insurer of the offending vehicle took a stand before the Tribunal that the offending vehicle was not insured at the relevant time and no insurance cover note/policy has been placed on record. The owner-cum-driver of the offending vehicle was held liable to pay the compensation. The claimants are in appeal against the award.

[5] In the appeal, grounds have been taken for enhancement of compensation, during the course of arguments, learned counsel for the appellants restricted his prayer to the effect that the Insurance Company was wrongly absolved as the offending vehicle was duly insured at the time of accident.

[6] During the pendency of the appeal, a Civil Miscellaneous Application was filed alongwith a copy of Insurance Policy. On the last date of hearing, learned counsel for the insurer sought time to verify the said policy. Today, learned counsel for the insurer states that the Insurance Policy has been verified and the offending vehicle was duly insured at the time of accident.

[7] In view of statement made by the counsel for Insurance

Company, award dated 08.05.2013 is modified to the extent that owner, driver and insurer of the offending vehicle shall be jointly & severally liable to pay the compensation.

[8] The appeal is disposed of, accordingly.

[AVNEESH JHINGAN]
JUDGE

March 12, 2019
pankaj baweja

1. Whether speaking/ reasoned : Yes
2. Whether reportable : No