IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 4556 of 2016 (O&M)
Date of decision: 15.11.2019

Oriental Insurance Company Limited ....*Appellant*

Versus

Ravi Kant (minor) and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Ms Vandana Malhotra, Advocate
for the appellant

None for respondent No. 1

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Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against award dated 29.10.2015 passed by the Motor Accidents Claims Tribunal, Rohtak (in short, 'the Tribunal') whereby compensation has been assessed on account of injuries sustained by Ravi Kant - minor in a motor vehicular accident that took place on 27.04.2014.

Counsel for the appellant – insurance company would inform that appeal has been filed to assail findings of the Tribunal holding the insurance company liable to pay compensation, in view of the fact that cover note marked as Ex. P22 was not valid and there was no contract of insurance between the insured and insurance company. However, she has fairly conceded that in view of award passed by the Tribunal, compensation has already been paid to the claimants and, as such, claim of the injured stands satisfied. It is also apprised that the insurance company has been given right of recovery on the question of driving licence.

Be that as it may, the insurance company did not raise a plea that cover note produced on record was not issued by the appellant - insurance company nor any evidence was adduced to prove that the vehicle in question was not insured with the appellant insurance company. The claim of injured victim has already been satisfied because the insurance company has paid the amount in pursuance of directions issued by the Tribunal. The insurance company has been given right of recovery on the question of driving licence. Assuming that plea of insurance company that the vehicle was not insured is correct, insurance company, in the given circumstances, can recover compensation from the insured. Since the insurance company has already been given right of recovery though on a different ground, going into the question of validity or otherwise of the insurance policy would be an exercise in futility.

In view of what has been discussed hereinbefore, the appeal stands disposed of. All pending applications also stand disposed of.

(Rekha Mittal)
Judge

15.11.2019
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No