

202(4 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. FAO-6739-2016 (O&M)
Date of Decision: July 08, 2019

National Insurance Company Limited

.....Appellant

Versus

Gulshan Kumar Bajaj and others

.....Respondents

2. FAO-6750-2016(O&M)

National Insurance Company Limited

.....Appellant

Versus

Sheetal alias Jatinder Kaur and others

.....Respondents

3. FAO-6744-2016 (O&M)

National Insurance Company Limited

.....Appellant

Versus

Gulshan Kumar Bajaj and others

.....Respondents

and

4. FAO-6740-2016 (O&M)

National Insurance Company Limited

.....Appellant

Versus

Sagar and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ravinder Arora and
Mr.Neeraj Khanna, Advocates
for the appellants.

Mr.Piyush Setia, Advocate
for respondent No.3-Ram Sarup in all the appeals.

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NIRMALJIT KAUR, J. (ORAL)

All the above mentioned appeals shall stand disposed of by this common order.

Learned counsel for the appellant have challenged the Award dated 18.03.2016 to the extent vide which no right has been granted to the Company for recovery of the compensation from the owner. It is contended that the vehicle was purchased on 23.05.2012. The owner was required to have the vehicle registered within one month whereas the same was not even registered even uptill the date of the accident which occurred on 02.08.2012. It is further argued that accident took place on 02.08.2012 and the FIR was registered on 04.08.2012 after two days. Reliance is placed on the judgment rendered by the Apex Court in the case of Narinder Singh vs New India Assurance Company Ltd. and others 2014 (9) SCC 324 to contend that non-registration of a vehicle within the stipulated period of one month is a violation of the terms and conditions of the policy contract. This Court may note that the judgment rendered in the case of Narinder Singh (supra) is in the judgment and order passed by the National Consumer Disputes Redressal Commission, New Delhi. There is no dispute with the judgment rendered in this case but the same will not help the applicant-Insurance Company in the present case. Admittedly, a vague objection is stated to have been raised in the written statement, but neither any issue qua the same was framed nor the appellant raised any plea for framing of such an issue. It is also apparent that the appellant neither argued the same before the Tribunal. In case the said issue had been framed, the respondents may have been in a position to show as to why the vehicle was not registered within the stipulated period. Thus, the same cannot be gone into at this stage in the

appeal.

No other ground is raised.

Dismissed.

July 08, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |