

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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FAO-4727-2017 (O&M)

Date of decision: 29.10.2019

UNITED INDIA INSURANCE COMPANY LTD ... Appellant

Versus

PREM SINGH AND OTHERS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Akash Sridhar, Advocate for the appellant.
Mr. Rajeev Dev, Advocate for
Mr. Ashish Gupta, Advocate for respondent No.1.
Mr. Surinder K. Daaria, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 25.04.2017 passed by the Motor Accidents Claims Tribunal, Rupnagar whereby compensation has been awarded on account of injuries sustained by Prem Singh respondent No.1 in a motor vehicular accident that took place on 08.09.2014.

Counsel for the appellant would argue that notice of motion has been issued only to determine the question, if the insurance company can press for right of recovery against the owner/driver of the vehicle or from both.

The insurance company cannot press for right of recovery against driver of offending bus No.PB-04V-2554 for want of privity of contract between the insurer and driver. The appeal against respondent No.4, registered owner of the aforesaid vehicle was dismissed by the Court on 09.07.2019. A relevant extract therefrom, reads as follows:-

xx xx
Notice to respondent No.4 could not be issued as
counsel for the appellant did not comply with order dated
08.02.2019.

xx xx
In view of the above, appeal against respondent No.4 is
dismissed for want of necessary compliance.

xx xx

In the given circumstances, nothing survives for consideration
of this Court, if the insurance company can press for right of recovery on

the basis of submissions, noticed in the order of notice of motion dated 07.07.2017.

For the foregoing reasons, appeal stands disposed of.

29.10.2019

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No