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

1. **FAO No.842 of 2017**
Date of Decision:-17.12.2019

Ram Kumar

...Appellant

Versus

Parmanand and others

...Respondents

2. **FAO No.952 of 2017**

Parmanand and another

...Appellants

Versus

Kimti Lal and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Gaurav Jaglan, Advocate for
Mr. Vikram Singh Dhakla, Advocate
for the appellant in FAO No.952 of 2017
and for the claimants/respondents No.1 and 2 in FAO No.842 of 2017.

Mr. Ashwani Talwar, Advocate and
Mr. Vinod Gupta, Advocate
for the respondent-insurance company.

RITU BAHRI J.(Oral)

By this common order both the aforementioned appeals, arising out of the same award dated 02.11.2016, passed by the Motor Accident Claims Tribunal, Panipat, are being disposed of. The facts are being taken up from FAO No.842 of 2017.

The owner has come up in appeal against the award dated 02.11.2016 passed by the learned Motor Accident Claims Tribunal, Panipat, whereby, while awarding the compensation of Rs.5,00,000/- to the claimants, respondent No.3 (in the MACT award) i.e. United India Insurance Company Limited had been absolved of the liability and the owner was held liable to make the payment of compensation.

On 20.11.2019, when these appeals were taken up before this Court, it was transpired that respondent-United India Insurance Company has placed on record the insurance policy (Ex.R-1), which has been issued by HDFC Ergo General Insurance Company and they had denied that the vehicle was insured with them.

Mr. Ashwani Talwar, Advocate has put in appearance on behalf of HDFC Ergo General Insurance Company. The plea taken up by the insurance company is that they were never impleaded as party before the Tribunal and they had no occasion to file written statement with regard to the insurance policy (Ex.R-1), which has been placed by respondent No.3-United India Insurance Company.

Keeping in view the above facts, award of Tribunal dated 02.11.2016 is being set aside and the matter is being remanded back to the MACT Tribunal at Panipat, so that the owner can make an application for impleading HDFC Ergo General Insurance Company as a party in the claim petition and thereafter the Tribunal can proceed in accordance with law.

In view of the aforesaid, both these appeals are being disposed of.

December 17, 2019 **(RITU BAHRI)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No