

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

FAO No.714 of 2014 (O&M)

Date of decision: 08.04.2019

Reliance General Insurance Company Ltd.

... Appellant

Versus

Versa Devi and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Suman Jain, Advocate for the appellant.
Mr. JP Sharma, Advocate for respondents No.3 and 4.
Mr. Manoj Chahal, Advocate for respondents No.6 (i and ii).

REKHA MITTAL, J. (Oral)

Vakalatnama on behalf of respondents No.6(i and ii) filed in the Court, is taken on record.

The present appeal directs challenge against award dated 05.10.2013 passed by the Motor Accidents Claims Tribunal, Narnaul whereby compensation has been assessed on account of death of Sandeep Kumar in a motor vehicular accident that took place on 29.12.2011.

Counsel for the appellant has failed to comply with order dated 26.09.2018, despite last opportunity granted vide order dated 07.12.2018 for doing the needful. As such, appeal against respondents No.1 and 2 who remain unserved in the case is dismissed.

Counsel for the appellant would inform that the appeal has been preferred on the question of quantum of compensation and the insurance company has not issued any policy covering the vehicle in

question and cover note produced on record is a stolen document and as such, findings of the Tribunal saddling the insurance company with liability to pay compensation are liable to be set aside.

Counsel representing respondents No.3 and 4 would argue that as the appeal against respondents No.1 and 2 has been dismissed who were the co-claimants of respondents No.3 and 4, quantum of compensation cannot be varied to the disadvantage of respondents No.1 and 2.

Counsel representing respondent No.6 (registered owner of the offending vehicle) would argue that insurance company has not adduced any evidence to establish that the insurance cover is a stolen document or the insurance company did not insure the vehicle in question, therefore, the insurance company cannot escape liability to pay compensation.

The claim for compensation was preferred by Versa Devi widow, Naina minor daughter and parents of the deceased. The appeal against claimants No.1 and 2 (respondents No.1 and 2 herein) has been dismissed for want of their service. As such, it is not open for the insurance company to make any submissions with regard to quantum of compensation as the same would cause prejudice to the rights of respondents No.1 and 2. Accordingly, plea of the insurance company to challenge quantum of compensation is not sustainable.

Counsel for the insurance company has failed to point out any materials on record to substantiate plea of the insurance company that the cover note in question is a stolen document, therefore, insurance company

cannot be held liable to pay compensation on the basis of cover note produced on record.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

08.04.2019
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(REKHA MITTAL)
JUDGE

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