

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4900 of 2017 (O&M)

Date of decision: 14.02.2019

HDFC ERGO General Insurance Company Ltd.

..... Appellant

Versus

Ram Phal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. Rajender Chhokar, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

CM-14906-07-CII-2017

Both the applications are allowed and the delay in filing/re-filing the appeal are condoned.

Main Case

Although, claim awarded is only Rs.27,330/- which counsel appearing for the Insurance Company has no objection to pay, however, he submits that the copy of the insurance policy placed on the file by the alleged insurer on 29.10.2016 and without giving any opportunity to the Insurance Company to verify its correctness, the judgment was pronounced after six days on 04.11.2016. He submits that prima facie, the insurance policy, the photocopy whereof has been produced on file is fake. He has pointed out various errors in the policy.

Keeping in view the fact that the Insurance Company has

undertaken to pay the amount and the Insurance Company is alleging that the policy is fake and forged, therefore, it would be more appropriate if the Insurance Company is granted opportunity to prove that assertion. Since Motor Accident Claims Tribunal proceeded to decide the case immediately within six days, therefore, the Award passed by the Motor Accident Claims Tribunal inter se dispute between Insurance Company and driver and owner is set aside. However, the claim with regard to the claimant shall remain intact.

Learned Motor Accident Claims Tribunal, Panipat is directed to grant two opportunities to each party to produce the evidence in support of their case and thereafter, the Tribunal would decide the case preferably within a period of six months.

With these observations, the appeal is disposed of.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Parties through their counsel are directed to appear before the Motor Accident Claims Tribunal on 12.03.2019.

14.02.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No