

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5398 of 2018

Date of Decision: 30.01.2019

Gian Singh @ Gian Chand

.....Petitioner

Vs.

Vikas Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. Sandeep Siwach, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner has challenged the order of the learned Motor Accidents Claims Tribunal, Yamuna Nagar, dated 20.04.2018, (Annexure P-3), whereby the application filed by the present petitioner, seeking to implead the State Bank of India, S.M.E. Kala Amb, Nahan Road, District Sirmour (H.P.), as respondent no. 3 in Claim Petition no. 28 of 2017 before the Tribunal, has been dismissed.

Today, learned counsel for respondent no. 2, i.e. the State Bank of India, S.M.E. Kala Amb, Nahan Road, District Sirmour (H.P.), submits that the said Branch of the Bank has no record of the insurance policy with regard to the loan issued to the petitioner, it being an old case.

That plea (for whatever it is worth), would have to be taken before the learned trial Court and therefore, with the petitioner having at least *prima facie* shown to this Court that an amount was deducted towards premium for insurance

of the vehicle in question, from the savings bank account of the petitioner (as per the copy of the statement Annexure P-1), and consequently, it would be the insurance company to whom such premium was paid, that would be liable to pay the compensation awarded by the Tribunal (if any is eventually awarded), or it would be the bank which would be responsible for doing so, if it had not insured the vehicle despite having deducted premium from the petitioner, I see no reason to disallow this petition.

Hence, without making any comment on the actual merits of the contentions raised, which would be gone into by the Tribunal as per the evidence led before it, this petition is allowed, with the impugned order set aside and the application filed by the petitioner under Order 1 Rule 10 CPC, seeking to implead the State Bank of India, S.M.E. Kala Amb, Nahan Road, District Sirmour, (H.P.), also allowed, and the said Bank ordered to be impleaded as respondent no. 3 in Claim Petition No. 28 of 2017 filed before the Tribunal by respondent no. 1 herein.

January 30, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes