

S.No.119

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

CR No.1055 of 2020

Date of Decision:13.02.2020

National Insurance Company Ltd.

.....Petitioner

Vs.

Tilak Raj and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sanjeev K. Arora, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The challenge in the present petition is to the order dated 07.03.2019 passed by the Motor Accident Claims Tribunal, Ludhiana, whereby; the application filed by the petitioner- Insurance Company for getting its name deleted from the array of the respondents in the claim petition, has been dismissed by the Tribunal.

It is contended by counsel for the petitioner that even the assertions made in the claim petition are that the accident had happened due to the negligence of the other vehicle bearing registration No.PB-10-FF-7250; which had hit against the scooter being driven by the claimant. The petitioner- Company is the insurer of only the scooter which was being driven by the petitioner. Therefore, the petitioner – Company is not a necessary party in the proceedings of the claim petition. Hence, the Tribunal has wrongly rejected the application filed by the Insurance Company.

Having heard learned counsel for the petitioner and having perused the case file, this Court does not find any substance in the argument of the learned counsel for the petitioner. The averments in the claim petition

are only of the initial stage; and even as per the averments of the parties, taken in their respective pleadings, one of the issues framed by the Tribunal is qua the liability of the petitioner- Insurance Company as well. Therefore, at this stage, it is not appropriate to delete the name of the petitioner- Company from the list of respondents. In any case, the liability of the Insurance Company would arise only if the same is proved in the proceedings of claim petition in accordance with law. Therefore, this Court does not find any reason to revoke the proceedings against the present Company at this stage.

Dismissed.

February 13, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No