

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

FAO No.659 of 2021(O&M)
Date of decision:05.10.2021

National Insurance Company Limited

...Appellant

Versus

Dev Raj and others

...Respondents

(2)

FAO No.667 of 2021(O&M)

National Insurance Company Limited

...Appellant

Versus

Puspa Devi and and others

...Respondents

(3)

FAO No.682 of 2021(O&M)

National Insurance Company Limited

...Appellant

Versus

Latesh Garg and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. D.R.Bansal, Advocate,
for the appellant.**

ANIL KSHETARPAL, J (Oral)

Through this order, three appeals i.e. FAO No.659, 667 and 682 of 2021, filed by the National Insurance Company assailing the correctness of an identical award passed by the Motor Accidents Claims Tribunal, Mansa, (hereinafter referred to as 'the Tribunal') shall stand disposed of.

The Tribunal, after appreciating the material placed on record, has allowed the claim petitions, filed under Section 166 of the Motor

Vehicle Act, 1988.

The learned counsel representing the appellant-Insurance Company contends that respondent no.2 and 3 did not produce any evidence and therefore, they failed to prove that the offending bus did had permit to ply on the road.

In all these cases, respondent no.1 to 3, while admitting the occurrence of accident due to the rashness and negligence of respondent no.1 did not lead any evidence. The Insurance Company, after taking an objection in the written statement, did not lead any evidence to prove that the bus insured by it did not possess the required permit. The learned counsel representing the appellant failed to draw the attention of the Court to any effort made by the Insurance Company in this regard.

The insurer before insuring the vehicle, is required to verify and ensure that the vehicle that is being insured do possess the required permit. It is the Insurance Company which intends to avoid the liability and therefore, the Insurance Company was required to lead the evidence in this regard.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

**October 05, 2021
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**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**: Yes/No
: Yes/No**