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

**CR-5265 of 2016 (O&M)
Date of decision: 17.11.2022**

Ram Kumar **..Petitioner**

Versus

United India Insurance Company Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shamsher Singh Mor, Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate,
for respondent no.1.

Mr. Vinod Gupta, Advocate and
Mr. Mayank Gupta, Advocate
for respondent no.2.

Ms. Gurdeep Kaur, Advocate
for respondent no.4.

ANIL KSHETARPAL, J(Oral)

1. The driver of the vehicle involved in the accident is the petitioner herein. He assails the correctness of the order passed by the Motor Accidents Claims Tribunal (hereinafter referred to as 'the Tribunal') deleting the United India Insurance Company Limited from the array of parties after noticing that the policy was issued only on 29.03.2013, though the alleged accident had taken place on 15.03.2013 i.e. before the issuance of the insurance policy.

2. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

3. On the one hand, the learned counsel representing the petitioner

submits that the proposal form for buying the Insurance Policy from the United India Insurance Company Limited was submitted on 10.03.2013 i.e. 5 days before the occurrence of the said accident to a duly licensed agent.

4. On the other hand, the learned counsel representing the respondent no.1-the Insurance Company contends that the policy is valid from 28.03.2013 only i.e. from the date of issuance.

5. This court has considered the submissions of the learned counsels representing the parties.

The claim petition is pending before the Tribunal at a preliminary stage. The facts alleged by the petitioner which are controverted by the respondent-Insurance Company are required to be proved by leading evidence in support. It may be noted here that the learned counsel representing the Insurance Company contends that previously the vehicle was insured with another company named Shriram General Insurance company.

7. Keeping in view the aforesaid facts, the impugned order passed by the Tribunal on 25.07.2016 is set aside. The United India Insurance Company Limited will have the liberty to contest the petition while proving the aforesaid facts alleged. The Tribunal is requested to frame a distinct issue on the aforesaid question and decide the same while deciding the claim petition. The insurance company through its counsel is requested to appear before the Tribunal, on 14.12.2022.

8. Disposed of accordingly.

9. Needless to observe that the Insurance Company shall be granted an opportunity to file the written statement and contest the case after granting the opportunity to lead evidence.

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

November 17, 2022 **(ANIL KSHETARPAL)**
nt **JUDGE**

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