

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

**CR-6716-2017 (O&M)
Date of decision : 04.04.2022**

United India Insurance Company

... Petitioner(s)

Versus

Prabjeet Kaur and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Jasleen Kaur Chandhok, Advocate for the petitioner.

Dr. Sumati Jund, Advocate for respondent Nos.1 to 4.

ALKA SARIN, J. (ORAL)

Challenge in the present revision petition under Article 227 of the Constitution of India is for setting aside the impugned order dated 17.08.2017 (Annexure P-5) passed by the Motor Accident Claims Tribunal, Mohali (in short, the 'Tribunal') whereby an application moved by the petitioner under Section 170 of the Motor Vehicles Act, 1988 seeking permission to contest the claim on all grounds was dismissed.

Learned counsel for respondent Nos.1 to 4-claimants would contend that she has no objection if the present revision petition is allowed.

Heard.

Hon'ble Supreme Court in the case of **United India Insurance Company Ltd. vs. Shila Datta & Ors. [(2011) 10 SCC 509]**, followed by this Court in **United India Insurance Company Limited vs. Tini Rani & Ors. [2012 SCC Online P&H 65]**, has held that where an insurer is

impleaded as a party either by the claimants or by the Tribunal, the insurer can raise all pleas in defence as available to resist the claim.

In the present case the Insurance Company has been impleaded as a respondent by the claimants themselves. Keeping in view the law laid down by the Hon'ble Supreme Court in the case **United India Insurance Company Ltd. (supra)**, the Insurance Company would be competent to contest the claim application on all the grounds as available and can urge all grounds in defence and not necessarily the limited grounds mentioned in Section 149(2) of the Motor Vehicles Act, 1988.

In view of the above, the impugned order dated 17.08.2017 (Annexure P-5) is set aside and the petitioner-Insurance Company would be entitled to contest the claim application on all the grounds as available without being limited by grounds mentioned in Section 149(2) of the Motor Vehicles Act, 1988.

Disposed off, accordingly.

04.04.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO