

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2022 of 2019

Date of Decision: 14.12.2022

Surender

... Petitioner(s)

Versus

Smt. Munni Devi and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Saurabh Dalal, Advocate
for the petitioner(s).

Mr. V.K.Garg, Advocate
for the respondent No. 3.

Mr. Aakash Dalal, Advocate
for the respondent No.4.

Anil Kshetarpal, J.

1. In the claim petition filed under Section 166/140 of the Motor Vehicles Act, 1988, the petitioner is respondent No.3. He is alleged to be the owner of Dumper bearing registration No. HR-61-B-9132. The aforesaid vehicle has allegedly caused the accident. On the direction of the Tribunal, the petitioner was directed to produce a copy of the cover note or the insurance policy. The petitioner has only produced a copy of the proposal form. Thus, the Tribunal has observed that an adverse inference has to be drawn with regard to the fact that the vehicle did not have any insurance policy at the time of the accident.

2. Challenging the correctness of the aforesaid order, this revision petition has been preferred.

3. The learned counsel representing the petitioner admits that the insurance company has neither issued a cover note nor any policy.

4. Keeping in view the aforesaid fact, the Tribunal is directed to proceed with the case in accordance with law. It shall be open for the Tribunal to draw an adverse inference if any party fails to produce the best evidence.

5. With the observations made above, the present revision petition is disposed of .

(Anil Kshetarpal)
Judge

December 14, 2022

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No