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

**CM No.5646-CII of 2020 in/and
FAO No.2064 of 2012 (O&M)
Date of decision: 08.09.2022**

Charat Singh

..... Appellant

Versus

Rajveer Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Pardeep Rajput, Advocate
for the appellant.

Mr. P. S. Gill, Advocate for
Mr. Aman Pal, Advocate
for respondents No.1 to 5.

Ms. R. C. Gupta, Advocate
for respondent No.7/applicant in CM No.5646-CII of 2020.

TRIBHUVAN DAHIYA J. (ORAL)

CM No.5646-CII of 2020

Prayer in this application is for placing on record the
affidavit and Annexures (Annexure A-1 Collectively).

For the reasons stated in the application, the prayer is
allowed and the affidavit as well as Annexure A-1 (collectively) is
taken on record.

Application stands disposed of.

CM No.12402-CII of 2012

Allowed as prayed for.

CM No.12403-CII of 2012

Prayer in this application is for placing on record the

photocopy of insurance cover dated 18.08.2010 by way of additional evidence.

For the reasons stated in the application, the prayer is allowed and the photocopy of the insurance cover dated 18.08.2010 by way of additional evidence is ordered to be taken on record.

Application stands disposed of.

FAO No.2064 of 2012 (O&M)

This appeal has been filed by the appellant-driver of the offending vehicle against the award dated 01.02.2012 passed by the Motor Accident Claims Tribunal, Kapurthala.

2. The Tribunal awarded compensation on account of death of Harwinder Singh on 22.08.2010 to respondents No.1 to 5/claimants amounting to Rs.16,00,000/- along with interest at the rate of 8% per annum. The appellant-driver and respondent No.6-owner were held liable to pay the compensation awarded jointly and severally. Respondent No.7-Insurance Company was held not liable to pay the compensation as the offending vehicle bearing registration No.HR-26-AQ-8049 was not insured with the company on the date of the accident.

3. Only the appellant-driver has challenged the award disputing the finding whereby liability to make good the award has been fastened jointly and severally on appellant-driver and respondent No.6-owner. The owner has not filed any appeal against the award.

4. Learned counsel for the appellant by relying upon a document dated 18.08.2010, has contended that the offending vehicle

was insured with respondent No.7-Insurance Company, and it should be held liable to make good the award.

4. A perusal of the document, which has been placed on record by way of **CM No.12403-CII of 2012** as additional evidence, which is also a part of the record before the Tribunal and forms part of Exhibit R-2, clearly shows that this is a mere proposal form. It has been clearly stated in the form that risk will commence on the date and time of acceptance of risk and/or issue of cover note/policy. It is, therefore, apparent that it is not a policy of the insurance, nor the offending vehicle can be said to have been insured on the basis of this proposal. There is no other evidence on record which could establish that the offending vehicle was insured with respondent No.7-Insurance Company on the date of the accident, i.e., 22.08.2010. Therefore, the finding of the Tribunal holding respondent No.7-Insurance Company not liable to pay the compensation, does not call for any interference.

5. Dismissed.

08.09.2022
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(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No