

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1395-2014 (O&M)
Decided on : 06.09.2022

Jamshed

..... Appellant

Versus

Shri Ram General Insurance Co. Ltd. and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Sanjeev Goyal, Advocate
for respondent No.1.

None for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

CM-4898-CII-2014

This is an application under Order 41 Rule 27 CPC r/w Section 151 CPC for additional evidence.

In compliance of order dated 17.12.2018, learned counsel for the Insurance Company has verified the authenticity of Annexure A-1 i.e. route permit of the offending vehicle and submits that on the date of accident in question, the route permit of the offending vehicle was valid.

In the wake of submission made by learned counsel for the insurance company, the present application stands allowed and Annexure A-1 is taken on record.

Main case

The appellant-owner is in appeal before this Court to impugn

the award dated 25.09.2013 passed by Motor Accident Claims Tribunal, Nuh (hereinafter called as 'the Tribunal') in a claim petition filed under Section 163-A of Motor Vehicles Act, wherein compensation amounting to Rs.2,20,000/- along with interest @ 9% per annum was assessed and awarded to the claimants on account of injuries received by the injured Ibrahim in an accident which took place on 13.02.2010.

In brief, it was pleaded in the claim petition filed under Section 163-A of Motor Vehicles Act that on the fateful day i.e. 13.02.2010 injured-claimant Ibrahim along with some other labourers was going to Rajasthan after unloading rori. The injured was sitting as a second driver in the cabin of the offending vehicle while the appellant was driving the said vehicle. At about 11.30 am when they were between Hodal and Banchari, the appellant lost control over the vehicle, which then hit against Truck No.HR-38-5112 coming from Mathura side after crossing the divider. Resultantly, the claimant and the conductor of the dumper suffered serious injuries. A criminal case vide FIR No.52 dated 13.02.2010 under Sections 279, 338 and 304-A IPC was registered at Police Station Hodal.

Learned counsel for the appellant submits that since it now stands proved that the offending vehicle had a valid route permit on the date of accident in question, the impugned award passed by the Tribunal be set aside to the extent wherein the liability has been fastened upon the appellant to pay the compensation to the claimants.

In the wake of submissions made by learned counsel for the appellant qua the offending vehicle having a valid route permit, the fact which has not been disputed and rather conceded by the learned counsel for

the Insurance Company, the instant appeal is allowed and the Insurance Company is held liable to indemnify the insured.

(MANJARI NEHRU KAUL)
JUDGE

06.09.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No