

2023:PHHC:147629
**129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-4205-2019 (O&M)
Date of decision: 20.11.2023

Bajaj Allianz General Insurance Company
....Petitioner
Versus

Lovepreet Kaur and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner
Mr. Arun Bansal, Advocate for respondent no.1
Mr. Sagar Aggarwal, Advocate for respondent no.2 &3
Mr. Sandeep, Advocate for respondent
Mr. Akash Mehta, Advocate for
Mr. Munish Gupta, Advocate for respondent no.5
Mr. Akashdeep Singh, Advocate for respondent no.6

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is an Insurance Company. The claim petition filed by Ms. Lovepreet Kaur under Section 166 of the Motor Vehicles Act, 1988, is pending before the Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal'). While filing the petition, she claims that the accident took place with a bus bearing registration No. PB-07AC-1801. In the FIR also, the same registration number was mentioned. However, the Punjab Police is stated to have taken in possession bus bearing registration No. PB-07AS-3280, which was subsequently released on superdari.

2. It is claimed that both the buses belong to a politically influential person, who was the then Cabinet Minister in the Punjab Government. The claimant filed an application for the amendment

of the claim petition in order to substitute the registration number of the bus. It is claimed that in fact the bus bearing the registration plate number PB-07AS-3280 was involved in the said accident and not PB-07AC-1801. The Tribunal has allowed the application for the amendment. The Insurance Company claims that bus bearing registration number PB-07AC-1801 is not insured and that is why the bus has been substituted.

3. This Court has considered the submissions made by the learned counsel representing the parties. In the facts of this case, at this stage, it would not be appropriate to interfere with the impugned order. However, the interest of the justice would be met if the Tribunal is directed to frame a distinct issue as to which of the two buses was involved in the accident. The parties will be permitted to lead their evidence to prove that fact. The Tribunal shall finally decide the matter after evaluating the evidence produced.

4. With these observations, the revision petition is disposed of.

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

20.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE