

2023:PHHC:088830
**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2745-2012(O&M)
Date of decision: 13.07.2023

Reliance General Insurance Company Limited
..Appellant
Versus

Smt. Santosh and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tajender K Joshi, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. This is an appeal filed by the Insurance Company to assail the correctness of the award passed by the Motor Accident Claims Tribunal. The limited prayer made in the appeal was that the Insurance Company was required to be totally absolved though the Tribunal has permitted the Insurance Company to recover the amount from the owner after paying the claimants at the first instance. Hence, the only issue which requires consideration is “whether the Insurance Company is required to be totally absolved as the insured vehicle did not possess the valid route permit?”.

2. Learned counsel representing the Insurance Company very fairly admits that in view of the judgment passed in **Sona Devi and others vs. Ramesh Kumar and others 2021 (4) RCR (Civil) 744**, the Insurance Company could not be entirely absolved. It has been held in that judgment that the Insurance Company is entitled to recover the amount from the insured after paying the claimants at the first instance.

3. Keeping in view the aforesaid fair stand taken by the learned counsel representing the appellant, the appeal filed by the Insurance Company is dismissed.
4. All the pending miscellaneous applications, if any, are also disposed of.

13.07.2023
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE