

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

FAO-549-2017 (O&M)

Date of decision: 28.03.2023

Saurav

...Appellant

Versus

Anuj Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashwani Arora, Advocate for the appellant.

Mr. Shashi Kumar Yadav, Advocate for respondent No.3.

H.S. MADAAN, J. (Oral)

Learned counsel for respondent No.3-insurance company states that as per his instructions, the vehicle in question was insured with respondent No.3-insurance company at the time of the accident. Such insurance company was not impleaded as a party before the Motor Accidents Claims Tribunal, Panipat (for short 'the tribunal'), since the owner and driver of the vehicle had been proceeded against ex parte and no information was available as to whether the vehicle in question was insured or not.

Section 166 of the Motor Vehicle Act, 1988 is a piece of welfare legislation enacted to provide immediate financial relief to the victims/the legal representatives of victims of the motor vehicular accident. Since in this case, the award had been passed against driver and owner of the vehicle only, it would be very difficult for the claimant to

recover the amount from them. Even otherwise, if the vehicle was insured with the Oriental Insurance Company Ltd., then if it is found that such insurance company is required to indemnify the award unless some violation of terms & conditions of the insurance policy are pointed out, in any case the liability of the insurance company towards third party is there.

Therefore, I find it proper and appropriate to dispose of the appeal by setting aside the impugned award and remanding the case to the tribunal with a direction to implead Oriental Insurance Company Ltd., Panipat as a respondent and then allow it to file written reply, then issues on merits may be framed and the parties afforded opportunities to lead evidence and thereafter, fresh award be passed.

Since the accident is of the year 2010 and the award was passed on 06.09.2016, in that way, the matter is quite old. The tribunal would conclude the proceedings within six months from the date of receipt of copy of the order there.

Parties through counsel are directed to appear before the tribunal on 17.04.2023.

However, nothing observed in the order shall have any effect on the merits of the case and the tribunal shall decide the matter independently.

28.03.2023

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No