

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

FAO-1168-2022 (O&M)

Reserved on: 19.12.2022

Date of Decision: 09.01.2023

Priyanka and another

...Appellants

Versus

Babli and ors

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Rajesh lamba, Advocate for  
Mr. Prafful Rana, Advocate for  
the applicants/ appellants.

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**HARKESH MANUJA, J.**

Brief facts of the case are that claim petition filed by respondents No.1 to 5, on account of death of Jagmender on 23.11.2018 was allowed by the learned Motor Accident Claims Tribunal, Sonapat, (for short 'the Tribunal') and compensation of Rs. 28,43,000/- was granted. While fixing the liability, learned Tribunal exonerated the Insurance Company from its liability and held appellants jointly and severally liable to pay the compensation. On the basis of evidence available on record, learned Tribunal reached at the conclusion that on the date of accident, no insurance policy pertaining to the offending vehicle was in force and the insurance policy brought on record by the appellants was not valid and genuine.

Only submission made by the learned counsel for the appellant is that even today scanning the barcode on the policy shows the results in the name of appellant No.2 and therefore, learned Tribunal has erred while holding that the policy was not genuine document and, therefore, it shall

be the Insurance Company which shall be made liable to pay the compensation in the present case.

I have heard learned counsel for the appellant and gone through the paper book

However, a careful perusal of the award passed by the learned Tribunal shows that the case of respondent No.6/ Insurance Company was not that there is no policy pertaining to the offending vehicle, rather it was that appellant somehow managed to get a backdated policy after the accident had occurred. Therefore, in my considered opinion, the submission of learned Counsel for the appellants does not hold much substance. It was only on this account that an FIR No.577 dated 07.08.2021, under section 420, 467, 468 and 471 of IPC was also got registered against appellants No.1 and 2 by respondent/ Insurance Company.

Apart from that, learned counsel has not been able to explain the compelling circumstances noted down by the learned Tribunal in para 33 of its judgement, while holding that the offending vehicle was not insured by a valid and genuine insurance policy on the date of accident.

Resultantly, the present appeal is dismissed in limine with no orders as to costs.

Pending application(s), if any, shall also stand disposed of.

09.01.2023  
anil

( HARKESH MANUJA )  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |