

2024:PHHC:037603
**140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-1171-2024 (O&M)
Date of decision: 14.03.2024

National Insurance Company Ltd.

....Appellant

Versus

Kalma Singh @ Kalam Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harjinder Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. This is the Insurance Company's appeal against the award passed by the Motor Accident Claims Tribunal, Panipat, while assessing the compensation for the death of Sh.Parmod s/o Sh.Kalma Singh @ Kalam Singh due to the injuries sustained by him in a motor vehicular accident, which took place on 01.03.2021. The Insurance Company challenges its liability on the ground that the permit was issued to operate the truck which lapsed and it was issued only for operating in the area of Rajasthan whereas the accident took place in the State of Haryana.

2. This Court has considered the submissions made by the learned counsel representing the appellant.

3. The Tribunal has relied upon the instructions issued by the Ministry of Transport and Highways, Government of India dated 17.06.2021 extending the validity of the documents related to the Motor Vehicles Act, 1988 during the period of COVID-19 pandemic.

4. As regards the second argument, it may be noted here that in view of the deemed extension, the permit was valid on the date the accident took place. The Supreme Court in **National Insurance Co.Ltdv. Chella Bharathamma AIR 2004 SC 4882**, has held that the Insurance Company cannot claim exemption from its liability on the ground that the vehicle was being plied on a different route than the one which was allowed in the permit. There is no evidence that the truck was regularly entering in the territory of State of Haryana.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

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

14.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE