

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-31297-2024

DATE OF DECISION: 21.11.2024

ORIENTAL INSURANCE COMPANY LTD

... Petitioner (s)

Versus

RAVINDER SINGH KANG

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 29.09.2023 (Annexure P-7) of National Consumer Disputes Redressal Commission and award dated 25.10.2018 (Annexure P-6) of the State Consumer Disputes Redressal Commission whereby it was directed to repair the damaged vehicle and make it roadworthy to the full satisfaction of the respondent.

Learned counsel for the petitioner submits that when the respondent was driving the car some construction work was in progress, due to which stones were placed on the road for diversion of traffic. The car of the respondent had hit the stone and there was leakage of engine oil but he continued driving the car for about 600 metres which led to seizure of engine. He submits that respondent was enjoined to stop the car immediately after it had hit the stone and as he was negligent in driving car after it hit the stone, consequential liability cannot be fastened upon the petitioner.

Heard.

The respondent is stated to have purchased the vehicle Mercedes

Benz GL-500 and it was insured with the petitioner on 22.09.2017 for a sum of

Rs.1,12,758/- (as premium). The respondent was driving the car when it had hit stone, damaging the engine but he did not stop the car. We cannot accept the arguments of learned counsel for the petitioner that as the car had hit the stone, he was required to stop immediately. The contention raised on behalf of respondent that he could not leave the car on road as it was neither safe nor feasible due to heavy traffic is a plausible one. Even otherwise, we cannot expect the driver of the Mercedes Benz to stop the car only because a stone had hit the car. The State Commission and the National Commission have recorded findings of fact after due appreciation of evidence and have held that the petitioner was required to repair the car in question with genuine company parts and make it roadworthy to the full satisfaction of the respondent at their expense and to pay compensation in the form of interest at the rate of 9% per annum on the repair cost of the vehicle till the date of realisation which cannot be said to be illegal or perverse which would warrant interference of this Court while exercising its writ jurisdiction.

Consequently, the writ petition being devoid of merits stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

21.11.2024
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No