



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

118

Date of decision: 26.05.2025

1. FAO-3345-2025 (O&M)

United India Insurance Company Ltd.

...Appellant(s)

Vs.

Anil Kumar and others

...Respondent(s)

AND

2. FAO-3406-2025 (O&M)

United India Insurance Company Ltd.

...Appellant(s)

Vs.

Anil Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Raj Kumar, Advocate for the appellant.

NIDHI GUPTA, J.

CM-10623-CII-2025 in FAO-3345-2025

Prayer in this application filed under Section 5 of the Limitation Act, 1963 is for condonation of delay of 57 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 57 days in filing the accompanying appeal is condoned.

FAO-3345-2025 (O&M):

The present FAO-3345-2025 titled as "*United India Insurance Company Ltd. Vs. Anil Kumar and others*" has been filed by the Insurance Company against the Award dated 12.12.2024 passed by learned Motor



Accident Claims Tribunal, Kapurthala (hereinafter referred to as “the Tribunal”) in MACP No. 48 dated 10.11.2021 filed by the claimants/respondents No. 3 and 4 herein, under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”). Vide the impugned Award, the said claim petition of the claimants has been allowed; and the claimants have been awarded compensation of Rs.10,85,164/- on account of death of their son Ravi @ Ravi Gupta.

FAO-3406-2025 (O&M):

The present FAO-3406-2025 titled as “*United India Insurance Company Ltd. Vs. Anil Kumar and others*” has been filed by the Insurance Company against the Award dated 12.12.2024 passed by learned Motor Accident Claims Tribunal, Kapurthala (hereinafter referred to as “the Tribunal”) in MACP No. 57 dated 24.12.2021 filed by the claimants/respondents No. 3 and 4 herein, under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”). Vide the impugned Award, the said claim petition of the claimants has been allowed; and the claimants have been awarded compensation of Rs.10,85,164/- on account of death of their son Sunder Singh.

2. Both the above said appeals are being disposed of by this common order as both arise out of the same accident dated 26.10.2021, and the facts and issues involved in both the cases are identical.

3. For the sake of facility, facts are being drawn from FAO-3345-2025.



4. Brief facts of the case are that the learned Tribunal upon appraisal of the pleadings, and the oral and documentary evidence adduced by the parties, concluded that deceased-Ravi Gupta and deceased Sunder Singh had died due to the injuries suffered by them in a motor vehicular accident that took place on 26.10.2021 due to the rash and negligent driving of Trola bearing registration No. RJ-02-GB-2939 (hereinafter referred to as 'the offending vehicle'), which was being driven by respondent No.1; owned by respondent No.2; and insured by the appellant herein. The above said compensation was granted by the learned Tribunal alongwith interest @ 7% per annum from the date of institution of the claim petition till realization. The appellant-insurance company and respondents No.1 and 2 herein were held liable to pay the above said compensation.

5. Learned counsel for the appellant-Insurance Company assails impugned Award by submitting that liability has been wrongly affixed upon the appellant as the learned Tribunal failed to appreciate that the said offending vehicle was plying on the road as transport vehicle and other documents like Valid and effective driving license, Route permit, fitness and valid insurance policy is required to be ascertained for their genuineness and effectiveness which have been erroneously ignored and contentions of the appellant was over-ruled without any valid and speaking order. It is submitted that the National route permit no.RJ2021-NP-3599D for goods vehicle issued by RTA Alwar Rajasthan valid from 16.11.2021 to 15.11.2026 authorization no.RJ2021-NP/AUTH-8734F valid



from 16.11.2021 to 15.11.2022 of the offending vehicle RJ-02-GB2939 whereas the accident reportedly occurred on 26.10.2021 which means route permit was not valid on the date of accident and there is violation of policy conditions. However, the Learned Tribunal has ignored to allow the recovery rights against the driver and owner of the offending vehicle. It is accordingly prayed that the present appeals, be allowed.

6. Identical pleadings, arguments, and prayer are made in the connected FAO-3406-2025.

7. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in great detail.

8. I find no merit in the sole submission made on behalf of the appellant. In respect of the arguments raised on behalf of the appellant, specific issues No.4 and 5 were framed by the Tribunal which are as under:

“4) Whether respondent No.1 was not holding a valid and effective driving license at the time of the accident? OPR-3

5) Whether the offending vehicle was being plied without all the necessary documents at the time of the accident? OPR-3

9. However, the appellant-Insurance Company failed to lead any evidence in regard to the above issues. Accordingly, following findings were returned by the learned Tribunal regarding said issues No. 4 and 5 as under: -

“ISSUE NO.4

27) Onus to prove this issue was upon respondent No.3 Insurance company, as while filing written statement by



respondent No.3, it has raised objection that the driver of trolly bearing registration No.RJ-02-GB-2939 was not holding a valid and effective driving licence at the time of accident. But no evidence of any kind, to substantiate this plea, has been led by respondent No.3 insurance company, whereas RW1 Baljit Singh has proved on record the copy of driving licence of respondent No.1 Anil Kumar as Ex.R3. Accordingly, this issue is decided against respondent No.2 insurance company.

ISSUE NO.5

28) Onus to prove this issue was upon respondent No.3 Insurance company, as while filing written statement by respondent No.3, it has raised objection that the offending vehicle was being plied without all the necessary documents at the time of alleged accident. But no evidence of any kind, to substantiate this plea, has been led by respondent No.3 insurance company. Accordingly, this issue is decided against respondent No.3 insurance company.”

10. Identical issues have been framed; and identical findings have been given in the connected FAO-3406-2025.
11. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.
12. As such, no ground to interfere in the impugned Awards dated 12.12.2024 is made out. Both appeals, accordingly, stand **dismissed**.
13. Pending application(s) if any also stand(s) disposed of.

26.05.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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