



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

227

**RSA-2364-2015 (O&M)
Date of decision : 24.02.2026**

United India Insurance Co. Ltd.

..... Appellant

versus

Delhi Assam Roadways Corp Ltd.

.....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

Mr. Jainainder Saini, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 20.10.2015, this Court observed as under:-

“Learned counsel for the appellant submits that the vehicle bearing registration No.CG-04-4059 owned by the respondent-plaintiff, insured with the appellant had met with an accident on 27.7.2003. For passing the claim, Insurance Company-appellant had asked the plaintiff-respondent to produce the driving licence of the driver. The driving licence given by the respondent on verification was found to be fake and on that ground the Insurance Company-appellant repudiated the claim of the respondent on 8.4.2004. Thereafter, the respondent produce the second driving licence of the driver, but as the claim had already been repudiated there was no necessity for verification of the second driving licence produced by the respondent. Thereafter, a suit for recovery of Rs.20,47,738.34 paise was filed by the respondent. Learned counsel further submits the learned trial Court dismissed the suit of the plaintiff-respondent, but learned first Appellate Court vide judgment and decree dated 22.12.2014 has decreed the suit. Even the substandard claim



i.e. 75% of the suit amount has been allowed instead of 75% of the losses assessed by the Surveyor of the Insurance Company.

Notice of motion for 24.3.2016.

In case execution petition is filed by the respondent, on deposit of 75% of the substandard claim assessed by the Surveyor of the Insurance Company, recovery of the remaining amount shall remain stayed.

Meantime, record of trial Court as well as first Appellate court be requisitioned.”

- 2. Counsel for the respondent has not been able to point out any evidence on record which shows that the loss assessed by surveyor of the insurance company can be said to be a depressed claim.
- 3. In view thereof, this Court finds that the order dated 20.10.2015 passed by this Court while issuing notice of motion be made absolute and the appeal be disposed off in the same terms.
- 4. Ordered accordingly.
- 5. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

24.02.2026

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Whether speaking/reasoned : Yes

Whether Reportable : No