

**RA-CR-299-CII-2015 in FAO-7420-2010****NATIONAL INSURANCE COMPANY LTD VS UNION OF INDIA AND ORS**

Present: Mr. Jugansh Goyal, Advocate, for
Mr. Denesh Goyal, Advocate,
for applicant-respondent No.3.

Mr. Paul S. Saini, Advocate,
for non-applicant/appellant.

Mr. Shivoy Dhir, Sr. Panel Counsel,
for non-applicant/respondent No.1-UOI.

Mr. Harsh Aggarwal, Advocate,
for non-applicant/respondent No.4.

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The Union of India instituted a claim petition before the Motor Accident Claims Tribunal, Gurdaspur, seeking compensation on account of damage caused to a military vehicle bearing registration No.NSN BA. 93C, 64369 N, in a motor vehicular accident caused due to the rash the negligent driving of truck No.PB-11-M-7427 by its driver Mohinder Singh. The said truck was owned by the present applicant-Jeewan Kumar.

2. The claim petition was partly allowed vide award dated 16.08.2004, passed by the Motor Accident Claims Tribunal, Gurdspur, and the Union of India was held entitled to compensation of Rs.1,38,405/-. The liability to pay the same was fastened upon all the respondents jointly and severally.

3. The National Insurance Company Ltd. filed a review petition before the MACT claiming that as per their policy, the offending vehicle had been insured from 24.02.2001 to 23.01.2002, whereas the accident had taken place on 02.04.2002, which was outside the period of insurance.

4. In response to the said review application, the stand taken by the owner of the offending vehicle was that subsequently the offending vehicle was got insured from the New India Assurance Ltd. w.e.f. 26.02.2002.

5. However, the review application came to be dismissed by the

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6. Aggrieved by the said order, the National Insurance Company Limited instituted FAO-7420-2010, which was allowed by a coordinate Bench vide order dated 31.10.2015:-

“1. There is written request for adjournment on behalf of respondent No.3. There is no justification for granting the same. The request is declined.

2. The appeal is at the instance of the insurance company on the plea that there is no policy of insurance to make it liable. The policy filed in court showed that the vehicle involved in the accident had been insured with the appellant to take effect from 24.2.2001 when the accident had taken place on 2nd April, 2002 i.e. beyond the period of one year from the commencement of the policy. There have been several attempts on previous hearings by the owner offering to prove that the insurance had been done with the New India Assurance Company- 4th respondent. The 3 respondent is not present. If he cannot show the liability of the 4th respondent, the liability assessed must be taken as wrongly done and the award is required to be modified in that regard. The liability cast on the appellant is set aside and the appeal by the insurer is allowed. The right of enforcement for the claimant shall be available only against respondents No. 2 and 3, namely driver and the owner respectively.

3. The appeal is allowed on the above terms.”

7. The instant review application has been preferred by the owner of the offending vehicle, namely, Jeewan Kumar on the same ground that the offending vehicle was subsequently got insured with the New India Assurance Limited. Concededly, till date, no insurance policy has been placed on record, even *prima facie* showing that the offending vehicle is insured with the New India Assurance Limited, as claimed by the applicant.

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8. Learned counsel for the applicant places reliance upon a document received in response to his RTI application, wherein the concerned authority on behalf of the New India Assurance Limited, has stated that the record pertaining to the said policy had been destroyed. In any case, the response to the RTI application does not show even *prima facie* existence of any such policy. Still further, as observed earlier, even a copy of the policy has never seen the light of the day.

9. That being so, no error apparent on the face of the record is found in the order passed by the coordinate Bench warranting interference in this review application, and the instant review application is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

March 23, 2026
Rajan