

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****241****FAO-4957-2018 (O&M)****Date of Decision : 29.04.2025**

Mangat Ram

....Appellant

VERSUS

Amandeep and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.S. Manaise, Advocate for
Mr. G.S. Manku, Advocate for the appellant.

Mr. Sameer Sachdeva, Advocate for respondent No.2.
Mr. Sandeep Suri, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the driver of the Innova car bearing registration No.PB-09-H-8821 (hereinafter referred to as the 'offending vehicle') aggrieved by the award dated 14.11.2017 passed by the Motor Accident Claims Tribunal, Kapurthala (hereinafter referred to as the 'Tribunal') whereby entire burden of paying the amount of compensation has been fastened upon the appellant.

2. Learned counsel for the appellant would contend that as is apparent from a perusal of para 8 of the award, the insurance policy was placed on the record as Ex.R1 and without there being any finding that the insurance policy was not valid, the liability has been fastened upon the appellant, who is driver of the offending vehicle.

3. Learned counsel for respondent No.3-Insurance Company would contend that the liability has rightly been fastened upon the appellant.

Learned counsel has however candidly admitted that the insurance policy was placed on record as Ex.R1 and in the written statement the insurance policy was also admitted by the Insurance Company.

4. Heard.

5. In the present case there was a valid insurance policy inasmuch as the insurance policy (Ex.R1) was admitted by the Insurance Company in the written statement. Further still, neither was there any issue nor any finding that the insurance policy was forged and fabricated and not valid at the time of accident. In the absence of any such finding, the liability could not have been fastened upon the appellant.

6. In view of the above, the award dated 14.11.2017 is modified to the extent that the driver, owner and the Insurance Company shall be jointly and severally liable to pay the amount of compensation.

7. Present appeal is disposed off in the above terms. Pending applications, if any, also stand disposed off.

29.04.2025

jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO