



113

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

CM-16553-CII-2025 in/and
FAO-3541-2025 (O&M)
Date of decision: 12.09.2025

DHFL General Insurance Company now Navi General Insurance Company
Limited ...Appellant

Versus

Lalli and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nigam Kumar Bhardwaj, Advocate for the appellant.

VIKAS BAHL, J. (ORAL)

CM-16553-CII-2025

1. This is an application filed under Order 41 Rule 19 read with Section 151 CPC for restoration of the case and recalling of order dated 22.07.2025.
2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 22.07.2025 is recalled and the main case is restored to its original number and is taken on Board today itself for final disposal.

CM-11370-CII-2025

1. This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 29 days in filing the appeal.
2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 29 days in filing



the present appeal is condoned.

Main case

1. Insurance Company has filed the present appeal challenging the award dated 24.01.2025 with respect to issue No.3 vide which the Motor Accident Claims Tribunal, Jhajjar (hereinafter to be referred as “the Tribunal”) had observed that the present appellant had not been able to prove that the offending vehicle was being driven in violation of terms and conditions of the Insurance Policy. The Tribunal vide its common award dated 24.01.2025 had decided two claim petitions i.e., MACP-17-2020 filed by LRs of Meer Singh son of Phool Singh and MACP-16-2020 filed by LRs of Anil son of Meer Singh, who both had died in a motor vehicular accident that took place on 15.11.2019. Anil was son of Meer Singh.

2. Only challenge in the present appeal is to issue No.3 and the other aspects have not been disputed. The issues as framed by the Tribunal in both the claim petitions are reproduced hereinbelow:-

“(1) Whether the accident dated 15.11.2019, resulting into the death of Meer Singh son of Phool Singh and Anil @ Anil Kumar son of Meer Singh occurred on account of rash and negligent driving of vehicle i.e. EECO bearing No. HR-26BK-1257 by respondent No.1?OPP

(2) If issue No.1 is proved in favour of claimants, whether petitioners are entitled for compensation, if so, to what extent? OPP

(3) Whether at the time of accident, the offending vehicle was driven in violation of terms and conditions of the Insurance Policy?OPR-3

(4) Relief.”

3. The Tribunal after examining the entire evidence on record



decided issue No.1 in favour of the claimants and under issue No.2, awarded compensation in both the claim petitions in favour of the claimants. While deciding issue No.2, it was observed that the driver was having a valid and effective driving licence and Registration Certificate of the offending vehicle was also in the name of the owner and Insurance Policy Ex.R3 of the offending vehicle was also duly proved on record. Argument raised on behalf of the appellant to the effect that the driver & owner of the offending vehicle were using offending vehicle for commercial purpose was rejected by the Tribunal by observing that there was no evidence on the said aspect. Issue No.3 was also decided against the present appellant after taking into consideration the finding under issue No.2.

4. The present appeal has been filed with respect to MACP-17-2020 which is with respect to death of Meer Singh son of Phool Singh. Insurance Company had filed FAO-3444-2025 challenging the common award dated 24.01.2025 in the connected MACP-16-2020, which appeal was dismissed by the Coordinate Bench of this Court vide order dated 07.07.2025. The said order reads as under:-

“Main case

1 The Insurance Company assails the correctness of Award passed by the Motor Accident Claims Tribunal, Jhajjar on 24.01.2025 while directing the Insurance Company to pay Rs.16,76,500/- on account of death of Mr. Meer Singh. In fact, his son Mr. Anil also died in an accident. The only argument of learned counsel representing the appellant is to the effect that vehicle bearing registration HR-26-BK-1257 was being used for commercial purpose, hence, Insurance Company is not liable. However, when she was called upon to refer to the evidence produced by the Insurance Company in support of this plea, she



admits that Insurance Company did not lead any cogent evidence. Respondent No. 6 was the owner of vehicle bearing registration No. HR-26-BK-1257. He was neither summoned by the Insurance Company nor any other evidence was produced.

2. Keeping in view the aforesaid facts, no ground to interfere is made out.

3. Hence, the appeal is dismissed.

4 All the pending miscellaneous applications, if any, are also disposed of.”

5. Learned counsel for the appellant could not dispute the fact that finding on issue Nos.2 and 3 which were common in both the cases and in which it was observed that there was no evidence to prove the sole plea raised by the appellant-Insurance Company to the effect that the offending vehicle was used for commercial purposes, has been upheld by the Coordinate Bench of this Court in the abovesaid FAO and that the said finding is binding and the said judgment dated 07.07.2025 has not been further challenged by the Insurance Company and it has attained finality. Thus, the said finding of the Tribunal has already been upheld by the Coordinate Bench of this Court and the finding is in accordance with law and thus, deserves to be upheld. Accordingly, appeal filed by the present appellant is meritless, deserves to be dismissed and is accordingly, dismissed.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.09.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No