

anSL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>A.O. No. 02 of 2018</p> <p><b><u>Hon'ble Vivek Bharti Sharma, J.</u></b></p> <p>Mr. V. K. Kohli, Senior Advocate assisted by Mr. Kanti Ram, counsel for the appellant/Insurance Company.</p> <p>Mr. Pawan Mishra, counsel for the respondent nos. 1 to 3.</p> <p>Heard on the Misc. Application (<i>IA No. 9706 of 2018</i>).</p> <p>2. An application under Order 41 Rule 27 C.P.C. has been filed by the appellant/applicant with the prayer that certified copy of certain document i.e. Technical Inspection Report may be taken on record.</p> <p>3. Counsel for the appellant would submit that objections were called by the respondents but the same has not been filed so far.</p> <p>4. Per contra counsel for the respondent/claimant would submit at Bar that he does not want to file any reply/objections to the said application.</p> <p>5. Counsel for the applicant/appellant would submit that respondent/claimants did not file technical inspection report of the vehicle involved in the accident intentionally though it was desirable on the part of the claimants for disposal of the case; that, the appellant/Insurance Company was not aware that the claimants would intentionally withheld these relevant document; that, non filing of the technical inspection report of the vehicle involved in the</p>

			<p>accident by the appellant/Insurance Company is neither intention nor deliberate, therefore, the same may be taken on record.</p> <p>6. Counsel for the respondent nos. 1 to 3/claimants would submit that the said application is misconceived and frivolous as there is no cause shown in the application that why these documents were not filed by the appellant/applicant/Insurance Company in the Tribunal and it cannot be expected from the applicant/appellant for the reason being that the appellant/Insurance Company is corporate body with all paraphernalia. Its staff is more professional, efficient and fast they should be in knowledge of the technical inspection report of the vehicle involved in the accident; that, there was an accident, consequently F.I.R., and after investigation charge sheet was filed with vehicle inspection Report; that, these facts were always in knowledge of applicant/appellant; that, it is not desirable from the respondents/claimants to file technical inspection.</p> <p>In support of his claim, he relied upon the judgment of the Hon'ble Apex Court in the case of '<i>Jaiprakash Vs. General Insurance Company</i>' reported in (2010) 2 SCC 607, in which, the Apex Court has observed that the police is to file detailed accident report and that should be admitted as claim petition. It has been further observed in the judgment (<i>Supra</i>) that the Insurance Company shall deposit its admitted amount after its self assessment within one month of filing of Detailed Accident Report (<i>D.A.R.</i>)</p>
--	--	--	---

by Police in the Tribunal concerned, therefore, the submissions of the Senior Counsel that it was desirable from the respondents/claimants to file the technical inspection report of the vehicle involved in the accident, is misplaced and misconceived, hence this application be dismissed with cost.

7. Perusal of the record, it is evident that no sufficient cause is stated in the application that prevented the applicant/appellant from filing these documents before the Tribunal. The Insurance Company is a corporate body with full-fledged office, senior officials and surveyor and it is not possible that these facts were not in the knowledge of the Insurance Company.

It is also not the case of the applicant/Insurance Company that the Tribunal had refused to accept this report at any stage.

Counsel for the applicant/Insurance Company failed to show anything that documents i.e. Technical Inspection Report is needed for any other substantial cause.

8. In view of the above, the Misc. Application (*IA No. 9706 of 2018*) is dismissed, albeit, on the cost of Rs.2000/-, which would be deposited by the appellant/Insurance Company in the account of the High Court Legal Services Committee within a period of two weeks from today.

9. List this case on 06.11.2023.

**(Vivek Bharti Sharma, J.)**

21.08.2023

--	--	--	--