

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.18362/2000

(From the judgement and order dated 24/05/2000 in FAO 1214/00  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NEW INDIA ASSURANCE CO. LTD.

Petitioner (s)

VERSUS

SANT LAL & ORS.  
( With Office Report )

Respondent (s)

Date : 27/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. S.B. Upadhyay,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

We heard learned counsel at length. He submitted that there was conscious violation of the policy condition and therefore insurance company cannot be made liable for the award. The policy condition was that no passenger shall be taken for hire or reward. But unfortunately the insurance company had not proved that any passenger had been taken in the vehicle for hire or reward. No evidence had been adduced by the insurance company. The finding of fact is that no passenger was taken in the vehicle for hire. That finding has been concurred with by the High Court. In the light of the concurrent findings there is no scope for the insurance company now to contend that there was a violation of the policy condition.

Special leave petition is dismissed accordingly.

.SP1

(Suman Wadhwa)  
PA to Addl.Regr.

(H.K. Bhatia)  
Court Master