ITEM NO.29 COURT NO.9 SECTION IV-B

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

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 63646/2026

[Arising out of impugned final judgment and order dated 12-05-2026 in FAO No. 7208/2010 passed by the High Court of Punjab & Haryana at Chandigarh]

IFFCO-TOKIO GENERAL INSURANCE COMPANY LIMITED Petitioner(s)

VERSUS

BALJEET & ORS. Respondent(s)

IA No. 327077/2026 - CONDONATION OF DELAY IN FILING, IA No. 327079/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 16-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Mr. Manish Kumar, Adv.
Mr. Ian Xavier Pereira, Adv.
Mr. Gopal Singh- 211, AOR

For Respondent(s) Mr. Akshit Mehta, Adv.
Mr. Amit Kumar, Adv.
Ms. Pooja Soni, Adv.
Mr. Sachin Saini- 3697, AOR

Mr. Niteen Kumar Sinha- 3262, AOR

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

1. The submission on behalf of the petitioner is that pay and recover principle can only be applied where there is a subsisting insurance policy. Here, the Motor Accident Claims Tribunal while deciding issue (va) has recorded a

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Date: 2026.11.17 15:28:48 IST
Reason:

specific finding that the vehicle was not insured and this finding has been confirmed by the High Court in paragraph 20 of its judgment. In such circumstances, reliance upon a three Judge Bench decision of this Court in *Oriental Insurance Co.Ltd. vs. Inderjit Kaur & Ors.,* (1998) 1 SCC 371 was not warranted as that judgment dealt with a fact situation wherein on account of non-payment of the insurance premium, the insurance policy was not cancelled. Whereas in the present case the insurance policy was cancelled prior to the date of the accident.

2. Delay condoned.

3. Issue notice, returnable in six weeks.

4. Mr. Sachin Saini, Advocate accepts notice on behalf of Respondent No.3.

5. In the meantime, the award against the petitioner shall remain stayed. However, the claimants – respondents are at liberty to recover the awarded amount from the owner/driver of the offending vehicle.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)