

(2014) 02 TP CK 0020
In the Tripura High Court
Case No : MAC APP. No. 07 of 2008

**The Oriental Insurance Company Ltd., represented by its Senior
Divisional Manager Vs Smt. Shilpi Chanda and Others**

Date of Decision : 11-02-2014

Acts Referred:

Citation : (2014) 02 TP CK 0020

Hon'ble Judges : Deepak Gupta, C.J

Bench : Single Bench

Advocate : P. Gautam, Advocate for the Appellant; A. Das and Ms. S. Deb Gupta, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Deepak Gupta, C.J.—In this appeal filed by the Insurance Company, it has challenged the award dated 15-06-2007 passed by the learned Motor Accident Claims Tribunal, North Tripura, Dharmanagar in case no. T.S. (MAC) 14 of 1998 whereby it has been held liable to pay the compensation.

2. Sri P. Gautam, learned counsel appearing on behalf of the appellant-Insurance Company, submits that though an insurance policy had been issued on 23-02-1998, due to dishonour of cheque vide which premium was paid the same was cancelled on 16-04-1998. An intimation of the cancellation of the policy was sent by registered post to the owner Samar Deb as well as to the Regional Transport Officer, West Tripura. No doubt, the Insurance Company did send this intimation, but the fact is that the accident took place on 13-04-1998, i.e. prior to the cancellation of the policy.

3. By now, the law is well settled that in case of dishonour of the cheque, the policy remains valid till the same is cancelled and the fact of cancellation is intimated both to the insured and to the transport authorities. In this behalf, reference may be made to the judgments of the Apex Court in Deddappa and Others Vs. The Branch Manager, National Insurance Co. Ltd., New India Assurance Co. Ltd. Vs. Rula and Others, and United India Insurance Co. Ltd. Vs.

Laxmamma and Others,

4. In view of the settled position of law, I find no merit in the appeal of the Insurance Company which is accordingly dismissed. No order as to costs.

5. Send down the lower court records forthwith.