

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**FAO No. 4020 of 2013 a/w
FAO No. 4176 of 2013
Decided on: 27.07.2026**

(1) FAO No. 4020/2013

Raj Kumar Nehta

....Appellant

Versus

Deepak & Ors.

...Respondents

(2) FAO No. 4176/2013

Oriental Insurance Company Ltd.

....Appellant

Versus

Deepak & Ors.

...Respondents

*Coram***The Hon'ble Mr. Justice Sushil Kukreja, Judge.**Whether approved for reporting?¹

For the appellant(s) : Mr. Amrick Singh, Advocate, for
the appellant in FAO No.
4020/2013 and for respondent
No. 2 in FAO No. 4176/2013.

Mr. Deepak Gupta, Senior
Advocate with Ms. Meera Devi,
Advocate, for the appellant in
FAO No. 4176/2013 and for
respondent No. 3 in FAO No.
4020/2013.

For the respondents : Mr. Anuj Gupta, Advocate, for respondents No. 1 in both the appeals.
Mr. Rajinder Singh Thakur, Advocate, for respondent No. 2 in FAO No. 4020/2013 and for respondent No. 3 in FAO No. 4176/2013.

Sushil Kukreja, Judge (oral)

Since both the appeals arise out of a common accident, they were heard together and are being disposed of by a common judgment.

2. FAO No. 4020 of 2013 has been filed by the appellant/owner, who was respondent No. 1 before the learned Tribunal below, under Section 173 of the Motor Vehicles Act (For short "the Act"), against the award dated 26.04.2013, passed by learned Motor Accidents Claims Tribunal-IV, Shimla, H.P. (For short "Tribunal below"), whereby, the petition filed by petitioner, Deepak was allowed against respondents No. 1 & 2 (owner and driver) jointly and severally and he was held entitled for compensation of Rs. 4,47,600/- alongwith interest @ 9% per annum, from the date of filing the petition till deposit of the amount. Whereas, FAO

No. 4176 of 2013, has been filed by the Insurance Company, who was respondent No. 3 before the learned Tribunal below, against the order dated 02.06.2011, whereby, respondent No. 3 was directed to pay interim compensation of Rs. 25,000/- to the petitioner, on the basis of no fault liability.

3. During the pendency of the present appeals, appellant, Raj Kumar Nehta has filed an application under Order 41, Rule 27, read with Section 151 CPC, i.e. CMP No. 11989 of 2026, for placing on record the extract of driving licence of the appellant, dated 13.03.2026, annexed with the application as Annexure A-1. As per the applicant, learned Tribunal below has failed to appreciate that the licence, Ext. RW-2/A, was valid upto 17.03.2011, whereas, the accident took place on 06.03.2009. It has been further averred in the application that the said licence was renewed on 18.08.2008 for further three years.

4. Reply to the aforesaid application has been filed, wherein, prayer for dismissal of the application has been made, being devoid of merits.

5. I have heard the learned counsel for the appellant, learned Senior Counsel for the Insurance Company, learned counsel for the respective respondents and have also gone through the material available on record.

6. On the last date of hearing, entire original record with respect to DL No. HP3620020024049 issued in the name of Kamal Singh, Son of Sh. Kartar Singh was called for from the Office of Registering and Licensing Authority, Dehra. Pursuant to the aforesaid direction passed by this Court, today Sh. Rajesh Kumar, JOA(IT), posted in the Office of Sub-Divisional Magistrate cum-Registering and Licensing Authority, Dehra, District Kangra, H.P., produced the requisite records. Perusal of aforesaid record *prima facie* shows that licence of Driver Kamal Singh has been renewed by RLA, Dehra w.e.f. 18.03.2008 to 17.03.2011 for driving LMV-Transport HTV vehicle. Therefore, in the opinion of this Court, the extract of driving licence, sought to be placed on record by way of additional evidence is necessary for just decision of the case.

7. Accordingly, the application for placing on record the extract of driving licence is allowed, which shall be proved by the owner/driver before the learned Tribunal below in accordance with law. Therefore, without disturbing the findings of the learned Tribunal below with respect to quantum of compensation awarded in favour of the claimant/petitioner, the case is remanded back to the learned Tribunal below to decide issues No. 4 & 5 afresh, after giving not more than two opportunities to the appellant to lead his entire evidence. The respondent/Insurance Company shall also be given not more than two opportunities to lead its evidence in rebuttal. Save and except the official witnesses, the parties are directed to produce evidence at their own responsibility. The learned Tribunal below shall determine the liability with respect to the payment of compensation awarded in favour of the petitioner and also with respect to the payment of interim compensation in the sum of Rs. 25,000/-, which was granted vide order dated 02.06.2011, on the basis of no fault liability.

8. Hence, in view of my aforesaid discussion, the impugned award, dated 26.04.2013 is set aside only to the extent whereby liability has been fastened upon respondents No. 1 & 2, i.e. owner and driver, jointly and severally. Further, the impugned interim award dated 02.06.2011 is also set aside to the extent whereby liability has been fastened upon the Insurance Company.

9. Needless to state that since the accident pertains to the year 2009, the learned Tribunal below is directed to decide the claim petition on or before **31.12.2026**. Parties are directed to appear before the learned Tribunal below on **27.08.2026**.

10. Learned Registrar (Judicial) shall ensure that the entire record be remitted to the learned Tribunal below forthwith.

11. Both the appeals are disposed of in the above terms, so also pending application(s), if any.

27th July, 2026
(raman)

(Sushil Kukreja)
Judge