

**117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.6474 of 2015

Date of Decision: October 01, 2015

Harbans Singh

.... Petitioner

vs.

National Insurance Company Ltd. and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Dr. Gopal Krishan, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 01.08.2015 (Annexure P-2) passed by the Motor Accident Claims Tribunal, Ludhiana (in short 'the Tribunal), vide which the recovery certificate was ordered to be issued to the Insurance Company as per rules.

The Tribunal passed an Award, wherein findings were recorded that the Insurance Company shall pay the amount to the claimant and it will be well within the rights of Insurance Company to launch recovery proceedings against the owner and the driver of the offending vehicle. However, in the relief clause, it was not mentioned that the Insurance Company is entitled to the recovery rights.

Learned counsel for the petitioner contends that as in the relief clause, no right of recovery was given to the Insurance Company, therefore, the petitioner should have been heard before passing the impugned order.

In view of the matter, the present petition is disposed of with liberty to the petitioner to file objections regarding the issuance of the recovery certificate before the Tribunal. The objections shall be heard and decided in accordance with law after giving opportunity of hearing to the Insurance Company.

Till then the recovery certificate shall be kept in abeyance.

October 01, 2015
sarita

(KULDIP SINGH)
JUDGE