

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.430 of 1994 (O&M)

Date of Decision: 08.07.2015

Dev Raj Aggarwal

.....Appellant

Versus

Ravinder Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Pawan Bansal, Advocate,
for appellant.

Mr. R.K.Bashamboo, Advocate,
for respondent-Insurance Company.

SHEKHER DHAWAN, J (ORAL)

Present appeal is against award dated 01.10.2001 by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred as 'The Tribunal'). Appeal filed by appellant-owner of Maruti Van No.PB-04-8681 involved in motor vehicle accident having taken place on 03.01.1992. The accident resulted into injury to claimant Ravinder Kumar.

2. Claim petition was preferred by claimant and same was contested by the driver-owner as well as Insurance Company. 'The Tribunal' returned the findings that claimant was entitled to receive a total sum of ₹54,000/- along with interest @ 12% per annum and the liability was fastened upon respondents No.1 and 2 i.e. driver and owner and Insurance Company was absolved of its liability as no Driving Licence was produced at that time.

Subsequently owner took the plea that driver was having valid Driving Licence and the same could not be produced and same was allowed to be produced by way of additional evidence on an application under Order 41 Rule 27 CPC as per order dated 29.01.2014. As per order dated 29.01.2014 by this Court, the Insurance Company was directed to hold an inquiry regarding genuineness of the same and report.

3. Mr. R.K.Bashamboo, Advocate representing the Insurance Company verified the fact that Driving Licence was genuine and that way, the liability to pay the amount of compensation is of Insurance Company as offending vehicle was duly insured with United India Insurance Company.

4. This fact is also not disputed that payment of awarded amount has already been made by the appellant-owner to the claimant and now appellant is entitled to receive the said amount from Insurance Company.

5. The present appeal is accepted and appellant is entitled to receive the payment which has been made to the claimant in this case along with interest @ 6% per annum from the date of payment by the owner to the claimant till actual payment by Insurance Company.

(SHEKHER DHAWAN)
JUDGE

July 08, 2015
msd