

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

**FAO-1989-2014 and
X-Objection-18-C-III-2004
Date of decision-21.10.2015.**

NEW INDIA INSURANCE CO. LTD **...Appellant**

VS

SUKHVINDER KAUR AND OTHERS. **...Respondents**

CORAM:- HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. V. Ramswaroop, Advocate
for the appellant.

None for the respondents.

K.KANNAN, J (Oral)

In respect of an award of the same extent, this Court has held in FAO 1987 of 2000 in appeal by the Insurance Company that Insurance Company will have a right of recovery against the owner and driver for putting of vehicle incharge of a person who did not have a valid driving licence. The said reasoning ought to apply for this case as well and while the claimants will have a right of enforcement against the insurer, the Insurance Company will have the right of recovery against the owner and driver by execution in the same case. The order of the Tribunal is modified to the above extent and the appeal is allowed on the above terms.

There is cross objection by the claimants seeking for enhancement.

There is no representation on behalf of the claimants. The cross objection is dismissed for default.

(K.KANNAN)
JUDGE

October 21, 2015
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