

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.5428 of 2012 (O&M)

Date of decision: 30.04.2015

Dev Vart and others

..... Appellants

versus

Dilbagh Singh and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Jai Singh Yadav, Advocate for the appellants
Mr. Navin Kapoor, Advocate for respondent No.3

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)

Claimants have filed this appeal against the award dated 27.7.2012, passed by the Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal).

Regarding the driving licence of the driver of offending vehicle, it was held that the same is fake. On the basis of the said finding, it was recorded that the insurance company is not liable to pay the compensation. Therefore, the liability was fixed to be of the driver and owner i.e. respondent Nos.1 and 2 before the Tribunal.

The only contention of the learned counsel for the appellants is that in view of the authority *S.Iyyapan v. M/s United India Insurance Company Ltd. and another, 2013 (3) RCR (Civil)*

654, the insurance company is to first pay the compensation and

then to recover the same from the insured.

In view of the settled position of law, award is modified to the extent that the insurance company shall be liable to pay the amount of compensation. However, it shall be entitled to recover the same from the insured.

Appeal is accordingly allowed to the above noted extent.

30.04.2015
gk

(Kuldip Singh)
Judge