

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

-:-

**F.A.O No. 8059 of 2014 (O&M)
Decided on : January 15, 2015**

Prithi Singh

... Appellant.

Versus

Kursidan & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sanjeev Kumar Panwar, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

Iqbal @ Sehansah, having been killed in motor vehicle accident caused on account of rash and negligent driving of a dumper bearing registration No.HR-38L-3667 by Rehmu, respondent No.7 herein, on 04.05.2010, his legal representatives brought Claim Application No.235 of 2011 to seek compensation alleging loss of dependency. The application was contested, amongst others, by the owner of the dumper, the appellant herein. Issues were framed. Evidence was adduced. Parties were heard. Vide award dated 22.04.2013, learned Motor Accident Claims Tribunal, Palwal, ('the Tribunal' – for short), awarded compensation amounting to Rs.7,85,000/- in favour of the applicants; directed respondent-insurer to pay the compensation to the applicants; and reserved liberty to the insurer to recover it from respondent No.7 and the appellant because respondent No.7, driver of the offending vehicle was not holding a valid and effective driving

licence and the dumper was plying without fitness certificate and route permit.

To challenge this part of the award owner of the offending vehicle has brought this appeal.

I have heard learned counsel for the appellant.

It is conceded on behalf of the appellant that on the day of occurrence, driver of the offending vehicle did not hold a valid and effective driving licence and the dumper, in question, was being plied without fitness certificate and route permit. However, no such plea is shown to have been taken in the written statement. Even during the course of hearing, learned counsel for the appellant has not been able to show that the driver of the offending vehicle was holding an effective and valid driving licence or the dumper had a fitness certificate and route permit. That being so, no fault can be found with the aforesaid findings recorded by the learned Tribunal.

Dismissed.

No costs.

January 15, 2015
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[Mahavir S. Chauhan]
Judge