

940.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5402 of 2002 (O&M)

Date of decision:09.02.2016

& FAO No.5403 of 2002 (O&M)

National Insurance Company

... Appellant

versus

Manpreet Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Suman Jain, Advocate,
for the appellant.

None for the respondents.

K.Kannan, J. (Oral)

1. In both the cases, the Insurance Company is appeal on an issue of liability that the driver did not have a valid driving licence. This defence cannot enable the insurer to escape the primary liability to the claimants in the light of law laid down by the Supreme Court in **New India Assurance Company Versus Kamla-(2001) 4 SCC 342**. The appeals against the claimants are dismissed.

2. The Tribunal has provided for a right of recovery against the owner and driver. They have not come up in appeal. Both the appeals would require to be dismissed and accordingly dismissed.

(K.KANNAN)
JUDGE

09.02.2016
sanjeev