

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1400 of 2000 (O&M)

Date of decision: 18.05.2016

Hawa Singh and another

.....Appellants

Vs.

Kamla and Others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr.Sudhir Hooda, Advocate,
for the appellants.

Mr.Sidharth Sanwania, DAG, Haryana.

Mr.Gaurav Gaur, Advocate, for
Mr.Ashwani Talwar, Advocate,
for respondent No.6.

Mr.Pardeep Kumar, Advocate, for
Mr.R.K.Bashamboo, Advocate, for respondent No.7.

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AMOL RATTAN SINGH, J.

As per order dated 14.08.2014, a copy of an application earlier moved by the appellants, the records of which had been burnt, was filed in the Court and counsel for respondent No.7, i.e. the New India Insurance Co. Ltd. had sought time to verify the genuineness of the licence stated to have been held by respondent No.6, Harvir, as was annexed with the application filed in Court.

Learned counsel for respondent No.7 submits that the licence has been verified and found to be genuine.

Learned counsel for the appellants submits that the only issue in this appeal that he is pressing is with regard to the liability of the driver and the owner of Jeep No.HR-13/8556 to pay the compensation awarded by

the Tribunal, because it was held by the Tribunal since respondent No.6, i.e. the driver of the aforesaid Jeep did not have a driving licence, the insurance company (respondent No.7), would not be liable to pay the compensation. The licence of respondent No.6 having been found to be genuine and valid on the date of the accident, i.e. 11.11.1998, he submits that the driver and owner of therefore said vehicle, i.e. respondents No.5 and 6, cannot be held liable to pay the compensation, as eventually it would be the insurer that would be liable to do so.

In view of the fact that the licence has been found to be genuine on the date of the accident, the finding of the learned Tribunal to the effect that respondent No.7 is not liable to pay the compensation, is reversed and the claim petition is held to have been allowed even qua respondent No.7, with liability fastened on the said respondent to reimburse the appellants qua the entire amount of compensation, along with interest that they have paid to respondents No.1 and 2 herein, i.e. the claimants before the learned Motor Accidents Claims Tribunal, Rohtak.

The appeal is accordingly allowed with no order as to costs.

May 18, 2016
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(AMOL RATTAN SINGH)
JUDGE