

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

FAO No.4331 of 2011(O&M)

Date of decision:14.7.2016

M/s Mahavir Transport Pvt. Ltd.

....Appellant

VERSUS

Ishwar Chand and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. S.S. Momi, Advocate for the appellant.

Mr. Parveen Sharma, Advocate for
Mr. Arvind Singh, Advocate for respondents No.1 to 3.

Mr. R.S. Dhull, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

Reply to the application under Order 41 Rule 27 read with
Section 151 CPC filed in the Court is taken on record.

The present appeal has been directed against award dated
19.11.2010 passed by the Motor Accident Claims Tribunal, Kurukshetra
(for brevity 'the Tribunal') to assail the findings on issue No.3 "*Whether
respondent No.1 was not having a valid and effective driving licence at the
time of alleged accident? OPR*" and the said issue has been answered in
favour of the Insurance Company namely ICICI Lombard General
Insurance Company Ltd., New Delhi with the observations that the driver
of the offending vehicle was not holding a valid driving licence at the time
of accident.

Counsel for the appellant and respondent No.4 are *ad idem*
that in view of the verification qua said licence placed on record by the

appellant by way of additional evidence, the findings of the Tribunal on issue No.3 may be set aside and the matter may be remitted to the Tribunal for decision afresh only qua issue No.3 and thereafter, to decide whether the Insurance Company has any right of recovery against the owner/driver, if any.

In view of the above, the appeal is disposed of. The findings recorded by the Tribunal on issue No.3 are set aside and the matter is remitted to the Tribunal for adjudication of issue No.3 afresh, in accordance with law after permitting the appellant and the Insurance Company to adduce additional evidence, if any.

JULY 14, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE