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

FAO No.2009 of 2013 (O&M)

Date of Decision : 29.03.2016

Charanjeet and another

..... Appellants

Versus

Balwan Singh and another

..... Respondents

FAO No.2010 of 2013 (O&M)

Charanjeet and another

..... Appellants

Versus

Gulzari and another

..... Respondents

FAO No.2011 of 2013 (O&M)

Charanjeet and another

..... Appellants

Versus

Hukam Chand and another

..... Respondents

FAO No.2012 of 2013 (O&M)

Charanjeet and another

..... Appellants

Versus

Geeta and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Khandelwal, Advocate for the appellants.

Mr. Parminder Pal Singh, Advocate for

Mr. Puneet Sharma, Advocate for the respondents.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

This order shall dispose of the aforementioned four appeals filed by owner-cum-driver against the award of the Motor Accident Claims Tribunal, Hisar wherein recovery rights have been given to the Insurance Company on the ground that on the date of the accident, the driver did not have a valid license. The Tribunal has relied upon documents Annexures R-3 and R-4 to come to this conclusion. However, I find that documents Annexures R-3 and R-4 are the certificate of fitness and permit of the bus in question.

On the other hand, learned counsel has relied upon the certificate of the Motor Licencing Officer, South Zone, New Delhi Exhibit R-17 and reports Exhibits R-18 and R-19.

As per learned counsel, this was evidence summoned by the Court. A perusal of these documents reveal that appellant No.1 was in possession of driving license No.C03062003368764 for driving heavy transport vehicle which was valid from 26.06.2006 to 25.06.2009. Thereafter, w.e.f. 26.06.2009 to 31.07.2012 his license was renewed and new No.DL-0319860063851 was issued to him.

Learned counsel for the Insurance Company has not been able to controvert this argument.

In the circumstances, the finding that appellant No.1 did not have a valid driving license is set aside. Consequently, the recovery rights granted to the respondent-Insurance Company are also reversed.

Disposed of accordingly.

March 29, 2016

jt

**(AJAY TEWARI)
JUDGE**