

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2162 of 2013 (O&M)
Date of Decision : 25.07.2016

Tara Singh and another

.....Appellants

Versus

Ganga Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Goraya, Advocate for
for appellants.

Mr. Suresha Rani, Advocate
for Ms. Ekta Thakur, Advocate
for respondents no. 1 and 2.

Mr. Eklavya Kumar, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J. (Oral)

Heard.

2. Learned counsel for respondent no. 3-Insurance Company submits that on verification of driving licence No. DL-54746/R/10 dated 20.09.2010 issued by Licencing Authority, Patiala, the same has been found to be valid. He has also placed on file report dated 21.07.2016 to this effect made by investigator of Insurance Company Mr. Anand Sharma.

3. The Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali (later referred to as 'the Tribunal') had allowed Insurance Company recovery rights of the amount of compensation awarded to claimants against driver and owner of the offending truck bearing registration No. PB-05J-9719, on the ground that driving licence was not placed on record.

4. It is pertinent to mention here that in the accident, which took place on 01.04.2011, one Parbhakar was injured while Ram Naresh had died.

was also decided by the Tribunal vide award dated 09.04.2013. In that case driving licence of appellant no. 1-Tara Singh was produced as Ex. R-3 and it was held to be a valid driving licence and no recovery rights were allowed to Insurance Company. It was the lapse on the part of appellants that driving licence was not produced in this case but now the same has been produced in this appeal and Insurance Company has also got it verified and found the same valid.

5. Learned counsel for respondent no. 3-Insurance Company has no objection if the plea raised by appellants in this appeal about validity of driving licence of driver of the offending vehicle, is allowed. Consequently, the appeal is accepted as the driving licence of appellant no. 1 is found valid at the time of accident. The impugned award dated 08.12.2012 is modified to the extent it provides recovery rights to Insurance Company to recover amount of compensation from appellants and Insurance Company i.e. New India Assurance Company Ltd. shall be liable to indemnify the owner of offending vehicle i.e. insured by paying the compensation as awarded by the Tribunal to claimants.

6. In view of my discussion above, the appeal has merit and the same is allowed.

July 25, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No