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

FAO No.2653 of 2013 (O&M)
Date of Decision: May 12, 2016

Ramesh Kumar

..........APPELLANT

VERSUS

United India Insurance Co. Ltd. and others

........RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surinder Gaur, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No.1-Insurance Company.

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SURINDER GUPTA, J.

Heard.

This is appeal against the award dated 7th December, 2012 passed by Motor Accident Claims Tribunal, Bhiwani, filed by owner of truck bearing registration No.HR56-2716 (later referred to as 'the offending vehicle').

Learned counsel for the appellant submits that the only grievance of appellant is against the recovery rights allowed by the Tribunal to the insurer of the truck involved in the accident on the ground that driver of the offending vehicle was not holding any valid driving licence at the time of accident i.e. on 29.06.2009. In fact driver of this vehicle, namely Vijender, was holding a valid driving licence for the period 22.02.2008 to 21.02.2011.

Vide order dated 5th July, 2013, learned counsel for the Insurance Company was directed to get the driving licence of the driver of offending vehicle verified about its genuineness.

Learned counsel for respondent No.1 (Insurance Company) has stated at bar that Insurance Company has got verified the driving licence of Vijender, bearing licence No.500906 issued by District Transport Officer, Jaipur and the same was found to be valid.

In view of the submissions of learned counsel for the Insurance Company, the driver of the offending truck was having a valid driving licence on the date of accident. The application filed by the appellant under order 41 Rule 27 CPC to produce copy of driving licence on file is allowed and copy of the driving licence is taken on record as Ex.CX.

Learned counsel for respondent No.1 (Insurance Company) submitted that no evidence is to be led in rebuttal to additional evidence.

The only reason for allowing the recovery rights to the Insurance Company, as recorded by the Tribunal, is the non-production of any valid driving licence of the driver of offending vehicle involved in the accident. Copy of the driving licence placed on record as Ex.CX shows that the driver was holding a valid driving licence, which has been got verified by the Insurance Company, as such, the findings of Tribunal allowing recovery rights to the insurer of the offending vehicle is set aside and the appeal is accepted to this extent.

The amount of ₹25,000/- deposited by the appellant, be returned to him by the registry.

(SURINDER GUPTA)
JUDGE

May 12, 2016.
deepak/jv