

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO No.1310 of 2014 (O&M)
Date of decision: 23.11.2016

Sukhjeet Kaur

... Appellant

versus

Harinder Kumar and others

... Respondents

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

Present: Mr.J.S.Arora, Advocate,
for the appellant
Mr.M.B.Jain, Advocate,
for respondent no.3-insurance company
...

AMOL RATTAN SINGH, J. (Oral)

CM No.3561-CII of 2015

Pursuant to notice issued on 19.2.2015 in this application, by which a photocopy of the driving licence of respondent no.2 was sought to be placed on record, a reply has been filed in Court today to the application, by Mr.M.B.Jain, learned counsel for respondent no.3, in which it is stated that, in fact, the driving licence sought to be now led by way of additional evidence by the appellant, has been verified by the insurance company and it is seen that on the date of the accident, i.e. 2.11.2007, the licence was valid, having been found to be a genuine licence even as per the insurance companys' surveyor.

It is seen that though this application (CM No.3561-CII of 2015) does not specifically stated that it has been filed under Order 41 Rule

27 CPC, however, since the issue goes to the core of the matter in this appeal filed by the owner of the vehicle in question, the application is allowed, treating it to be one filed under the said provision, in view of the fact that the licence sought to be led by way of additional evidence has been found to be genuine even by the contesting respondent. The copy of the driving licence annexed as Annexure A-1 with this application, is taken on record as Exhibit AC-1. The reply filed by Mr. Jain, learned counsel for respondent no.3, is also taken on record.

CM No.4362-CII of 2014

Notice in the application for condonation of the delay of 10 days in filing the appeal.

Mr.M.B.Jain, Advocate, accepts notice on behalf of respondent no.3.

Heard learned counsel for the parties and perused the application.

For the reasons stated in para no.2 of the application, the same is allowed and the delay of 10 days in filing the appeal is condoned.

FAO No.1310 of 2014 (O&M)

By this appeal, the appellant-owner of the vehicle in question has sought the setting aside of that part of the impugned Award of the learned Motor Accident Claims Tribunal, Sangrur, by which a right to recover the compensation awarded to the respondents-claimants was granted to the insurance company, i.e. respondent no.3 herein.

In view of the additional evidence taken on record, i.e. the copy of the driving licence of respondent no.2, in terms of the order passed in the

application herein above, the appeal is allowed and the impugned award is modified to the extent that the insurance company, i.e. respondent no.3 herein, is held liable to indemnify the appellant herein, i.e. the owner of the Indica Car, bearing registration no.PB-13-J-9909, that was involved in the accident in question. Consequently, the impugned Award is modified and the right of recovery granted to the said respondent is set aside.

The amount of Rs.25,000/- deposited at the time of filing of this appeal shall accordingly be refunded to the appellant.

23.11.2016
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No