

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

FAO No.1464 of 2014(O&M)

Date of decision : 09.11.2016

Parkash Singh and another

..... Appellants

versus

National Insurance Company and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Parminder Singh, Advocate for the appellants.

Mr.Sandeep Suri, Advocate for respondent No.1.

REKHA MITTAL, J. (Oral)

The owner and driver of offending vehicle bearing No. HR-38N-2218 are in appeal in order to assail the findings of the learned Tribunal on issue No.3 whereby it has been held that respondent No.2 has violated the terms and conditions of the insurance policy and he was not holding a valid and effective driving licence at the time of accident. Counsel for the parties are ad idem that findings of the Tribunal on issue No.3 may be set aside and the matter is remitted to the Tribunal for decision on issue No.3 afresh after permitting the appellants to adduce additional evidence and thereafter evidence in rebuttal to be adduced by the insurance company.

In view of the above, the appeal is partly allowed. The findings of the Tribunal only qua issue No.3 are set aside with a direction to the Tribunal to record findings on issue No.3 afresh after

permitting the appellants(owner and driver) to adduce additional evidence and thereafter evidence in rebuttal to be adduced by the insurance company. The Tribunal shall record its findings on the said issue on the basis of material already on record as well as additional evidence to be adduced by the parties. The parties through counsel are directed to appear before the Tribunal on 30.11.2016. The Tribunal shall decide issue No.3 within a period of two months from the parties putting in appearance. The appellants would be entitled to two effective opportunities for adducing evidence and thereafter the insurance company shall be entitled to two effective opportunities to lead evidence in rebuttal, if any.

(REKHA MITTAL)
JUDGE

November 09, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No