IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.342 of 2014 (O&M)
Date of decision: 25.04.2016

Satya Vir and another ...Appellants

Versus

United India Insurance Co. Ltd. and others ....Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: None for the appellant.

Mr. Vinod Gupta, Advocate
for the respondents-Insurance Company.

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HARINDER SINGH SIDHU, J.

This appeal has been filed by the owner and driver impugning the award dated 30.10.2007 passed by the Motor Accidents Claims Tribunal, Faridabad to the limited extent whereby the respondent-Insurance Company has been granted recovery rights against them.

The accident had taken place on 31.03.2005. It had been proved before the Tribunal that the licence was renewed on 26.03.2007, which was valid upto 25.03.2010. But no evidence of its validity prior to this date was led before the Tribunal. Along with the appeal, the appellants had placed on record an application under Order 41, Rule 27 CPC leading additional evidence. The licence, which was issued in the year 1999 is sought to be produced.

The respondent-Insurance Company had been directed to verify the authenticity of the driving licence.

Mr. Vinod Gupta, learned counsel for the respondent-Insurance Company has placed on record verification report of the licence of appellant No.1 Satya Vir. It has been reported that the particulars of driving licence are genuine. As per the aforesaid verification, the date of issue and validity of the licence is as under:

Driving Licence issued to	: Satyabir Singh s/o Ramphal
Driving Licence No	: 92/TPT/03
D.L. Issue date & Valid up to	21.10.2003 to 28.10.2006, 26.3.2007 to 25.3.2010 16.3.2010 to 15.3.2013, 8.7.2013 to 7.7.2016
Valid for	HTPV only

In view of this, it cannot be said that on the date of accident, the appellant-deceased was not having a valid driving licence. Hence, the liabilty to indemnify the appellant was of respondent-Insurance Company and there was no question of grant of recovery rights.

Accordingly, this appeal is allowed.

The award of the Tribunal to the extent that it permits the Insurance Company to recover the amount of compensation from the owner and driver is set aside.

25.04.2016 **(HARINDER SINGH SIDHU)**
Atul **JUDGE**