IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3213 of 2016
Decided on: 13.07.2016

United India Insurance Company Limited

....Appellant

Versus

Miss Khushi and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Suvir Dewan, Advocate
for the appellant.

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1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

REKHA MITTAL, J.

The present appeal has been directed against the award dated 25.02.2016 passed by the Motor Accident Claims Tribunal, Jind (in short 'the Tribunal') awarding compensation in favour of respondent No.1 (proforma) with regard to the injuries sustained by her in a motor vehicular accident on 19.04.2013.

The sole submission made by counsel for the appellant is that as driver of bus No.HR-56-A-1693 was not holding a valid driving licence as proved by Sh. Sanjay Sihag, Advocate – RW-1, the learned Tribunal committed a serious error rather illegality in fastening liability upon the appellant. In the alternative, it is argued that even if the appellant is held liable to discharge liability *qua* the claimant, the insurance company should have been given the right to recover the amount of compensation from the driver and owner of the vehicle in question.

I have heard counsel for the appellant, perused the paperbook particularly the award dated 25.02.2016 and find that the appeal sans merit and deserves to be dismissed.

Counsel for the appellant has fairly conceded that driving licence (Ex.R-6) issued by RTA, Panipat was found to be valid and genuine and effective on the date of occurrence. On a pointed query raised by the Court, it was informed that the driving licence (Ex.R-6) is not a renewal of driving licence bearing No.44619/NG/2009, DTO, Wokha (Nagaland) rather was issued by the RTA, Panipat. No error much less illegality can be noticed in the findings of the learned Tribunal on issue No.3 whereby the driver, owner and insurer of the offending vehicle have been held jointly and severally liable to pay compensation with the observations that the insured/owner – respondent No.2 had not violated any terms and conditions of the insurance policy.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed *in limine*. No order as to costs.

(REKHA MITTAL)
JUDGE

13.07.2016
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