

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

**FAO No.7993 of 2015 (O&M)
Date of Decision: 02 August, 2016**

Balkar Singh and another

.....APPELLANTS.

VERSUS

Gurmej Singh and others

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Satwant Mehta, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.2-Insurance Company

SURINDER GUPTA, J.

Heard.

This is appeal filed by Balkar Singh and Mukhtiar Singh, owner and driver of the offending vehicle bearing registration No.PB30-D-8377 (Indica car) against the award dated 1st September, 2015, passed by Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as 'the Tribunal').

A short point which has been raised by learned counsel for the appellants is that the Tribunal awarded compensation of ₹2,50,000/- to the claimants. The vehicle involved in the accident was insured with United India Insurance Company Limited-respondent No.6 in this appeal. On issue

No.5, “*whether respondent No.1 was not having valid and effective driving licence at the time of accident*”, a finding was recorded that the driver of the offending vehicle was holding a valid driving licence at the time of accident, as such, Insurance Company cannot escape its liability to pay compensation to the claimants. The Insurance Company is not disputing the validity of the driving licence. Being the insurer of the vehicle involved in the accident, the Insurance Company has to indemnify the insured. A mere fact that the Tribunal while passing the award has mentioned that liability of the owner, driver and Insurance Company is joint and several, does not mean that the Insurance Company can be exempted from indemnifying the owner by paying the entire amount of compensation.

With these observations, the appeal is disposed of.

August 02, 2016.
deepak/jv

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No