

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

1. CR No.4169 of 2014 (O&M)  
Date of decision : 26.10.2017

Manjeet Singh

...Petitioner

Versus

Darshan Singh and others

...Respondents

2. CR No.4170 of 2014 (O&M)  
Date of decision : 26.10.2017

Manjeet Singh

...Petitioner

Versus

Jasbir Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Himanshu Puri, Advocate for the petitioner  
(In both petitions)

Mr. Narinder Kumar Vadhera, Advocate  
for respondent No.2 in CR No.4169 of 2014 and  
for respondent No.5 in CR No.4170 of 2014

Mr. Suvir Dewan, Advocate for National Insurance Company.

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**ANIL KSHETARPAL, J. (ORAL)**

By this order, this Court would be disposing of Civil Revision  
Nos.4169 and 4170 of 2014.

The driver of the offending vehicle is in revision petitions

against the order refusing to set aside the ex parte award.

At the outset, it must be noticed that the claim under the award of the Motor Accident Claims Tribunal has already been paid to the claimants.

Learned Motor Accident Claims Tribunal had given recovery rights to the Insurance Company on the ground that the driver was not holding a valid driving licence as he was holding learner's licence only. During the pendency of the revision petition, the driver had produced on file another driving licence issued by the authorities. A report has been submitted by the Insurance Company that the aforesaid driving licence is a valid driving licence issued by the competent authority.

Keeping in view the subsequent development and in the interest of justice, it is considered appropriate that the ex parte award against the driver be set aside without affecting the rights of the claimants.

The Motor Accident Claims Tribunal shall adjudicate upon only inter se liability between the owner, driver and the Insurance Company.

With these observations, both the revision petitions are allowed.

Learned counsel for the parties are requested to appear before the Motor Accident Claims Tribunal on 26.11.2017 at 10:00 AM.

All the pending miscellaneous applications are disposed of, in view of the abovesaid judgment.

**26.10.2017**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-**                      **Yes/No**

**Whether reportable:-**                              **Yes/No**