

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

Date of Decision: 23.10.2017

(1) FAO No. 3157 of 1996

Smt. Kishan Devi

.....Appellant

Versus

Durga and others

.....Respondents

(2) FAO No. 3158 of 1996

Lali

.....Appellant

Versus

Durga and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sushil Sheoran, Advocate for
 Mr. R.A. Sheoran, Advocate
 for the appellant(s).

Mr. G.D. Gupta, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The present appeals have been filed against the award dated 9.9.1996 passed by the Motor Accidents Claims Tribunal, Bhiwani, (for short 'the Tribunal').

This was burnt case and has been reconstructed from the salvaged record and copies supplied by counsels subject to all just exceptions.

The appeals have been filed by the injured who suffered injuries in an accident which occurred on 16.7.1994 with the offending Jeep bearing registration No. HR-14-3336. The injured were awarded compensation by the Tribunal, but the Insurance Company was exonerated on the ground that as per the reports Ex.R2 and R3 produced from the Regional Transport Office, Cuttack, Odhisha, the driving licence of the driver of the Jeep was fake.

Learned counsel for the appellants submitted that since only the report was produced and no official along with record was produced from Cuttack, hence, the Insurance Company should not have been exonerated. Learned counsel for the appellants further challenged that there was no contributory negligence as the scooter they were riding was halted and they were getting down from the scooter at the time of accident.

Learned counsel for respondent No.3 argued that the subsequent renewal of the driving licence will not validate the licence.

Both the counsels have no objection, if the matter is remanded to the Tribunal, without expressing any opinion on merit, either on the validity of the driving licence or on contributory negligence.

Accordingly, the present appeals are partly allowed and the matter is remanded back to the Tribunal to be decided afresh, the issue of fixation of liability to pay the compensation and to decide the contributory negligence.

Parties are directed to appear before the Tribunal on 15.11.2017.

Apart from deciding the above two issues, the Tribunal should take into consideration that claimants have not received a penny from 1994 till date inspite of the award being in their favour.

23.10.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No