

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO-522-1997 (O&M)

Date of decision: March 06, 2017

National Insurance Company Ltd.

...Petitioner

Versus

Manoj Kumar alias Niraj Kumar & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Suri, Advocate for the appellant.
Mr. Suresh Kaushik, Advocate for respondent No.2.
None for respondent No.3.

Rajan Gupta, J.(oral)

Present appeal emanates from award dated 18.12.1996, passed by the tribunal at Kurukshetra, awarding compensation to the tune of ₹1,40,000/- to the claimants.

It has been urged before the court that having come to the conclusion that the licence held by the driver of the vehicle was fake, it was incumbent upon the court to grant recovery rights to the insurance company. Reliance has been placed on judgment reported as *National Insurance Co. Ltd. Vs. Laxmi Narain Dhut, 2007 (2) RCR (Civil) 345*. Ratio of the aforesaid judgment is not disputed by the counsel representing respondent No.2.

In view of above, present appeal is allowed. Though the compensation amount is maintained as such and would be apportioned as directed by the tribunal, the insurance company would have right to recover the same from respondents No.2 & 3.

(RAJAN GUPTA)
JUDGE

March 06, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No