

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

-.-

FAO 2649 of 2007 (O&M)
Date of decision: 06.11.2017

Yadav Co-op Society

..... Appellant

Versus

Babu Lal and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vivek Singla, Advocate
for the appellant

Mr. J P Sharma, Advocate
for respondent No. 2

Mr. Pardeep Goyal, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 22.03.2007 passed by the Motor Accidents Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') whereby compensation has been awarded in respect of injuries sustained by Babu Lal Gupta in a motor vehicular accident that took place on 05.06.2004.

Counsel for the appellant (owner of Bus bearing No. HR 66/0317) would urge that the insurance company has been allowed right of recovery against the insured as the insured failed to produce on record the route permit. It is further submitted that the appellant has filed an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure for permission to produce the route permit (Annexure P1).

Counsel for the parties are ad idem that findings on issue No. 3 giving recovery right in favour of the insurance company may be set aside and the matter be remitted to the Tribunal for deciding issue No. 3 afresh after permitting the parties to adduce evidence with regard to route permit.

In view of the above, the appeal is partly allowed, findings recorded by the Tribunal on issue No. 3 are set aside and the matter is remitted to the Tribunal for deciding issue No. 3 afresh after permitting the parties to adduce evidence on the question of route permit.

The parties through their counsel are directed to appear before the Tribunal on 01.12.2017.

The amount deposited by the appellant in the registry be refunded to it.

(Rekha Mittal)
Judge

06.11.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No