

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

FAO No. 1824 of 2006 (O&M)

Date of Decision: 14.09.2017

M/s Sandhu Travels

... Appellant

Vs.

M/s Oriental Insurance Company Limited

... Respondent

CORAM:-HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjiv Gupta, Advocate,
for the appellant.

Mr.R.K.Bashamboo, Advocate
for respondent No.1.

Mr. Tribhuvan Dahiya, Advocate,
for respondents No.2 to 6.

Avneesh Jhingan, J.

The present appeal is filed against the award dated 05.08.2002 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal').

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

The present appeal has been filed by owner of the bus bearing registration No.DL-IP-3234 (for short, 'the offending vehicle') which was involved in an accident on 01.12.1999. In the accident, one Mahabir Prasad suffered injuries. So far as the compensation to the injured person is concerned, the amount awarded by Tribunal of Rs.50,000/-has been enhanced in FAO No.5207 of 2002 by separate order of the even date.

In the present appeal, the only issue is that liability was fixed of the owner of the bus.

I have heard the learned counsel for the parties and perused the paperbook with their able assistance.

Before the Tribunal, the owner was proceeded against exparte. The Tribunal being not satisfied with the validity of driving licence, gave recovery rights to the Insurance Company. In the present appeal, the issue has been raised that the driving license was on record but the endorsement was not produced by the respondent before the Tribunal.

Counsel for the appellant wants to place on record certain documents.

Learned counsel for the respondents has vehemently opposed the appeal and has stated that at this stage no further documents can be looked.

Without going into merits of the issue, the matter is remanded back to Tribunal only on the issue of liability. Both the parties shall appear before the Tribunal on 10.10.2017. Both the parties may adduce their respective evidence subject to the decision by the Tribunal on the legal issues raised by them. It is, however, clarified that now even the enhanced amount will be paid by the Insurance Company and would be subject to the outcome of this remand.

The appeal stands disposed of.

(AVNEESH JHINGAN)
JUDGE

14.09.2017

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Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No