

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

Date of Decision:11.12.2017.

(i) FAO No. 5213 of 2011

Sarwan Kumar

.....Appellant

Versus

Rattno Devi and others

.....Respondents

(ii) FAO No. 7186 of 2010

Oriental Insurance Company Ltd.

.....Appellant

Versus

Rattno Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramesh Sharma, Advocate
 for the appellant in FAO No. 5213 of 2011 and
 for respondent No.6 in FAO No. 7186 of 2010.

 Mr. S.S. Khaira, Advocate
 for respondents No. 1 to 4.

 Mr. Lalit Kumar, Advocate for
 Mr. Ashwani Talwar, Advocate
 for respondent No.6 in FAO No. 5213 of 2011 and
 for appellant in FAO No. 7186 of 2010.

AVNEESH JHINGAN, J.

 These are two appeals filed against the award dated 2.8.2010
passed by the Motor Accidents Claims Tribunal (Adhoc), Fast Track Court,
Gurdaspur (for short 'the Tribunal').

 One appeal has been filed by the Insurance Company having
the grievance that recovery right should have been awarded as the driving
licence was not valid on the date of accident. The other appeal has been
filed by the owner of the offending vehicle i.e. Tata Oil Tanker No.PB-08-
0986.

The grievance of the owner is that the driving licence was not produced before the Tribunal as the driver was proceeded ex-parte. Alongwith the appeal he has moved an application under Order 41 Rule 27 read with Section 151 CPC for additional evidence for producing the driving licence.

Learned counsel for the Insurance Company has stated that the compensation has already been paid to the claimants.

Since, both the parties have grievance regarding the driving licence, the issue would need factual verification and producing of evidence in support of their case.

Without expressing any opinion on the merits of the case, the matter qua determining the liability only, is remitted back to the Tribunal. Both the Insurance Company and owner of the offending vehicle would be at liberty to produce fresh evidence in support of their claims.

The parties are directed to appear before the Tribunal on 18.1.2018.

It is clarified that the remand would not effect the compensation awarded and disbursed to the claimants.

11.12.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No