

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

FAO No. 5617 of 2011 (O&M)

Date of Decision: 27.10.2017

Smt. Krishna Devi

.....Appellant

Versus

The Oriental Insurance Company Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Dhiman, Advocate
for the appellant.

Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate
for respondent No.1-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed by the owner of the vehicle No. HR-38-6463 against the award dated 6.6.2003 passed by the Motor Accidents Claims Tribunal, Gurgaon (for short 'the Tribunal').

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the claimants as the above said vehicle was involved in the accident which occurred on 19.2.2001.

The Tribunal awarded compensation to the claimants and recovery rights were given to the Insurance Company as the validity of the licence was in dispute. The only issue involved in the present appeal is whether the driver was holding a valid driving licence at the time of accident.

Learned counsel for the appellant placed reliance upon the licence verification report attached as Annexure-A1 with the appeal. According to this report, the licence was renewed and was valid at the time of accident. A perusal of Ex.R1 shows that the date of issuance of driving licence was 4.8.86 and date of expiry was 25.12.2004 but the date of renewal period from 1998 to 2001 is missing in that report.

Learned counsel for the Insurance Company opposed the appeal.

Without going into the merit of the controversy, the present appeal is disposed of and the matter only regarding fixation of liability to pay compensation is remitted to the Tribunal to decide afresh.

Parties are directed to appear before the Tribunal on 21.12.2017.

27.10.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No