

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

FAO-5977-2011 (O&M)
Date of decision: 13.10.2017

Shamsher Singh and another

.... Appellants

Versus

Sujata Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Priyadeep, Advocate
for the appellants.

None for respondents No.1 to 4.

Mr. R.K.Bashamboo, Advocate
for respondent No.5.

Avneesh Jhingan, J.

The present appeal has been preferred against the award dated 20.04.2011 passed by Motor Accidents Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal').

The present appeal has been filed by the owner of loading three-wheeler No.HR-37A-8151. The accident took place on 08.08.2009, in which one Kasturi Lal lost his life. The claim petition filed by LRs of Kasturi Lal was allowed and they were awarded compensation of Rs.6,10,400 along with interest @ 9% per annum.

The Insurance Company was exonerated on the ground that the driver was not possessing the driving licence.

The only dispute is with regard to the validity of driving

licences produced before the Tribunal.

Learned counsel for both the parties agree that there is change of position in law after the decision of the Hon'ble Apex Court in **Mukund Dewangan v. Oriental Insurance Company Limited, 2017 (7) Scale 731.**

In view of the law laid down by the Hon'ble Apex Court in **Mukund Dewangan's case** (supra), it would be appropriate to remit the matter back to the Tribunal, only with regard to determining the liability to pay the compensation.

The parties are directed to appear before the Tribunal on 23.11.2017.

Disposed of.

(AVNEESH JHINGAN)
JUDGE

13.10.2017

anju

1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : No