

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

FAO No. 6383 of 2011 (O&M)

Date of Decision:- 21.11.2017

Manjinder Singh

....Appellant

Versus

Kuldeep Kaur & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Harinder Singh, Advocate, for the appellant.

Mr. P.S. Brar, Advocate, for respondent Nos. 1 to 4.

None for respondent No.6.

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed by the owner of the truck bearing registration No. PB-03-R-9757, feeling aggrieved of the award passed by Motor Accident Claims Tribunal, Bathinda (for short, 'the Tribunal'). The Tribunal vide award dated 28.02.2011 granted recovery rights to the insurance company as the valid driving license of the driver was not produced before the Tribunal.

On 10.05.2009, there was a motor vehicular accident, in which the truck No. PB-03-R-9757 was the offending vehicle. Baldev Singh lost his life in the said accident. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by his legal heirs. The tribunal awarded a sum of ₹5,80,700/- to the claimants along with interest @8% per annum. The said part of the award is not under challenge.

It is pertinent to mention here that the insurance company filed

FAO No. 3196 of 2011 claiming that the liability should have been only of the owner and the Tribunal should not have directed the insurance company to pay the compensation first and thereafter make recovery from him. The said FAO was dismissed by this Court vide order dated 25.04.2011.

In the present appeal the appellant has produced a copy of the driving license of the driver of the offending vehicle. The said license was valid from 07.09.2006 to 06.09.2009 and the date of accident was 10.05.2009. Meaning thereby that at the time of the accident the license was valid. An application for producing additional evidence has also been filed along with the present appeal.

Without going into the merits of the case, the matter with regard to validity of the driving license which resulted into recovery rights is remitted back to the Tribunal to be decided in accordance with law. Both the parties would be at liberty to produce evidence in support of their respective claims.

Appellant and insurance company should appear before the Tribunal on 20.12.2017.

With the above observation, the present appeal is disposed of.

November 21, 2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No