

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

FAO No. 3751 of 2012(O&M)

Date of decision: 12.9.2017

HDFC Ergo General Insurance Co. ltd.Appellant

VERSUS

Sonu and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Subhash Goyal, Advocate for the appellants.

None for the respondents.

REKHA MITTAL, J.(Oral)

Counsel for the appellant, at the outset, would inform that the insurance company has preferred the appeal on a limited issue with regard to driving licence possessed by driver of the offending vehicle. It has been argued that the Motor Accident Claims Tribunal, Panipat (in short ' the Tribunal') by taking into consideration unladen weight of three wheeler to be 510 KG has uphold plea of the claimants as well as driver and owner of the offending vehicle that the driver was competent to drive the vehicle being holder of driving licence of light motor vehicle.

Counsel for the appellant has not disputed the factual findings recorded by the Tribunal. In view of enunciation of law laid down in the latest judgment of Hon'ble the Supreme court **Mukund Dewangan Vs. Oriental Insurance Co, Ltd., 2017 (7) Scale 731**, contention raised by the insurance company is untenable and liable to be rejected.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

SEPTEMBER 12, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no