

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

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FAO 1188 of 2013 (O&M)
Date of decision: 02.12.2017

Vinod Sharma and another*Appellants*

Versus

Oriental Insurance Co Limited and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Surinder Mohan Sharma, Advocate
for the appellants

Mr. Eklavya K Darshi, Advocate
for the insurance Company

Mr. Veneet Choudhary, Advocate
for respondent No. 2 and 3

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 29.01.2013 passed by the Motor Accidents Claims Tribunal, Ambala (in short, 'the Tribunal') whereby compensation has been awarded in regard to death of Shri Mewa Singh in a motor vehicular accident that took place on 02.05.2011.

The Tribunal assessed compensation to the tune of Rs.2,27,900.00 rounded off to Rs.2,28,000.00, held to be payable by the driver and owner of the offending vehicle i.e. *Verna* bearing registration No. HR 01 V-2112. The insurance company has been exonerated of its liability on the premise that driver was not possessing a valid driving licence and the

insured breached one of the fundamental terms and conditions of the insurance policy.

Perusal of the records of criminal case requisitioned in pursuance of order dated 17.11.2017 passed by this Court confirms suspicion with regard to date on which driving licence was issued in favour of Gurvinder Singh, valid upto 19.09.2015.

Counsel for the parties are *ad idem* that findings recorded by the Tribunal on issue No. 4 may be set aside and the matter be remitted to the Tribunal for decision of the said issue afresh with liberty to the parties to adduce evidence qua licence in question.

In view of the above, the appeal is disposed of. Findings recorded by the Tribunal on issue No. 4 are set aside with liberty to the insurance company to call for the records of the concerned Licencing Authority and examine a witness, thereafter the appellants may like to adduce evidence to rebut evidence adduced by the insurance company. The parties through their counsel are directed to appear before the trial Court on 23.01.2018. The Tribunal shall ensure that the entire exercise of adducing evidence and final adjudication is completed within a period of three months from the parties putting in appearance on 23.01.2018.

(Rekha Mittal)
Judge

02.12.2017
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No