

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

FAO No. 1282 of 2014 (O&M)

Date of Decision: 27.10.2017

Hira Singh and another

.....Appellants

Versus

IFFCO TOKIO General Insurance Company Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Dhull, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.1.

Mr. Vikas Kumar, Advocate
for respondent No.2.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 24.10.2013 passed by the Motor Accidents Claims Tribunal, Palwal (for short 'the Tribunal').

The appeal has been filed by the owner of Dumper bearing registration No. HR-55-J-7005. The said vehicle was involved in a motor vehicular accident which occurred on 11.10.2010.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the claimant.

The Tribunal awarded compensation in the claim petition and gave recovery rights to the Insurance Company as the validity of the driving licence was in issue.

Learned counsel for the appellants states that the driver was having a valid driving licence to drive Dumper at the time of accident. He relies upon the driving licence as Annexure-A1 and the report Annexure-A2 attached with the appeal.

Learned counsel for the Insurance Company contends that these documents cannot be accepted without verification as these were not produced before the Tribunal and she seeks time to verify the licence and the report.

In view of the facts mentioned above and the fact that the Insurance Company prays for time to verify the driving licence and the report, it would be appropriate if the matter regarding fixation of liability is remitted to the Tribunal to be decided in accordance with law.

Accordingly, the present appeal is disposed of and the matter regarding fixation of liability is remitted to the Tribunal to decide the same afresh in accordance with law.

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