

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

F.A.O. No. 4835 of 2013 (O&M)

Date of Decision: 26.10.2017

The Oriental Insurance Company Ltd.

.....Appellant

Versus

Anandi Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajneesh Malhotra, Advocate
for the appellant.

Mr. V.B. Aggarwal, Advocate
for respondent No.7.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 14.1.2013 passed by the Motor Accidents Claims Tribunal, Chandigarh (for short 'the Tribunal').

The present appeal has been filed by the Insurance Company seeking recovery rights from the owner and driver on the ground that on the date of accident, the driver was not having a valid driving licence authorizing him to drive the heavy motor vehicle. Application has been moved to place on record verification report, which was received subsequent to the decision of the Tribunal.

On notice, learned counsel for the owner (respondent No.7), filed reply and opposed the application. He stated that the Insurance Company was provided sufficient opportunity by the Tribunal, therefore, at this stage, the verification report cannot be considered.

Without expressing any opinion on the merits of the case, the present appeal is disposed of and the matter is remanded back to the Tribunal to decide the issue of liability afresh. It would be open for both the parties to raise their legal objection before the Tribunal regarding production of additional evidence. The remand is subject to paying Rs.10,000/- by the Insurance Company to the owner as costs of litigation.

Parties are directed to appear before the Tribunal on 15.12.2017.

26.10.2017
reema

(AVNEESH JHINGAN)
JUDGE

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