

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:25.09.2017

(1) FAO No. 5461 of 2014 (O&M)

Ajit SinghAppellant

Versus

Rajvir Kaur and othersRespondents

(2) FAO No. 5462 of 2014 (O&M)

Ajit SinghAppellant

Versus

Rajvir Kaur and othersRespondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sukhpreet Kaur, Advocate
for the appellants.

Mr. D.S. Sandhu, Advocate
for respondents No. 1 to 3.

Mr. Paul S. Saini, Advocate and
Mr. Vipul Sharma, Advocate
for respondent No.4.

AVNEESH JHINGAN, J.

This order shall dispose of F.A.O. Nos. 5461 and 5462 of 2014.

As both these appeals arise out of award dated 31.3.2014 passed by the Motor Accidents Claims Tribunal, Kapurthala (for short 'the Tribunal') and the same are being decided by a common order.

The present appeals have been filed by the driver-cum-owner of the Truck bearing No.RJ-31-GA-0875 which was the offending vehicle in the accident that occurred on 23.2.2011. As a result of the accident, Manjit Singh @ Manjit Dhaliwal lost his life and Ranjit Singh suffered injuries.

Two claim petitions were filed under Section 166 of the Motor Vehicles

Act, 1988 (for short 'the Act'), one by the legal heirs of the deceased and

another by injured Ranjit Singh.

The Tribunal after considering the material before it, awarded a sum of ₹ 56,28,000/- alongwith interest at the rate of 9% per annum to legal heirs of Manjit Singh @ Manjit Dhaliwal and ₹ 2,01,384/- alongwith interest at the rate of 9% per annum on account of injuries suffered by Ranjit Singh.

The Insurance Company was given recovery right as the fitness certificate of the offending vehicle was not valid on the alleged date of accident. While filing the appeal in this Court valid fitness certificate of the vehicle was attached. Notice of motion was issued. Insurance Company on notice of motion has verified fitness certificate.

Learned counsel appearing for the Insurance Company states that they have verified the validity of the fitness certificate produced and there is no dispute now with regard to the fitness certificate which is verified and has been found to be valid on the said date of accident.

In view of the statement made by learned counsel for the Insurance Company on the basis of letter dated 28.4.2015, copy of which has been taken on record, there is no further dispute which has to be adjudicated upon.

Accordingly, both the appeals of driver-cum-owner are allowed. The recovery rights given to Insurance Company are set aside.

25.09.2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No