

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

**FAO No.6139 of 2013 (O&M)
Date of Decision: 04.08.2017**

Pawan Kumar

...Appellant(s)

Versus

United India Insurance Co. Ltd. and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S. Sandhu, Advocate
for the appellant.

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

ANITA CHAUDHRY, J.

CM-25194-CII-2013

The instant application has been filed under Section 5 of Limitation Act for condonation of delay of 455 days in filing the appeal.

In view of the reasons mentioned in the application, same is allowed and delay of 455 days in filing the appeal is condoned.

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The insurance company was given recovery rights on the premise that the driving licence had not been proved.

This appeal was filed by the owner of the truck and he had

placed the original licence on record. The trial Court was directed to give an opportunity to the appellant to prove the validity of the licence. Its report has been received. It has been reported that the driver had a valid licence on the date of accident.

In view of this, the award passed by the Tribunal will have to be modified, therefore, the order giving recovery rights to the insurance company is set aside and it is the insurance company which will pay the compensation.

The award is modified and the appeal is allowed.

August 04, 2017
ps-l

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No