

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

FAO No. 3370 of 2016 (O&M)

Date of Decision:- 14.11.2017

Dharam Pal

....Appellant

Versus

Manjit Devi & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Navin Kapur, Advocate, for the appellant.

Mr. Arun Sharma, Advocate, for

Mr. Tejender Joshi, Advocate, for respondent No. 2

AVNEESH JHINGAN, J. (Oral)

C.M No. 12330-CII of 2016

Present application is for condonation of delay of 486 days in filing the appeal.

After hearing learned counsel for the parties and going through the averments made in the application, the same is allowed and delay of 486 days in filing the appeal is condoned.

FAO No. 3370 of 2016

Present appeal has been filed by Dharam Pal owner of TATA LPT bearing registration No. HP-12D-7633. The grievance raised in the present appeal is that recovery rights have been given to the insurance company on the ground that the national permit of the vehicle was not valid on the date of accident.

Bare facts necessary for adjudication of the present appeal are that on 22.03.2013 Gupreet Singh lost his life in a motor vehicular accident in which TATA LPT bearing registration No. HP-12D-7633 was the offending vehicle. Claim petition under Section 166 was filed by the legal

heirs of the deceased before the Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal'). The Tribunal awarded a compensation of Rs.12,62,000/- along with interest @9% per annum. The Tribunal awarded recovery rights to the insurance company as it was held that the national permit of the offending vehicle was not valid on the date of accident.

Learned counsel for the appellant, *inter alia*, has stated that the national permit Ex. RX has been wrongly read by the Tribunal. It was issued on 04.05.2012 and was valid upto 26.04.2013 and hence on the date of accident the vehicle was having a valid national permit.

Since for the decision, the verification of Ex. RX would be required, it is deemed appropriate that without expressing any opinion on the merits of the case, the matter only qua the recovery rights is remitted back to the Tribunal to decide afresh in accordance with law.

Accordingly, parties are directed to appear before the Tribunal on 22.12.2017.

In view of the above, present appeal is disposed of.

November 14, 2017
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(AVNEESH JHINGAN)
JUDGE

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