

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5040 of 2016 (O&M)
Date of Decision: 28.08.2017

Satpal

... Appellant

Versus

Laxman and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Deepak Girotra, Advocate,
for the applicant-appellant.

RAJIV NARAIN RAINA, J.(Oral)

CM No.17245-CII of 2017

The application is allowed. The case is brought forward on the Board for final disposal today in view of the order proposed to be passed.

CM No.17246-CII of 2017 in/and
FAO No.5040 of 2016 (O&M)

This is an application explaining why the appeal has been rendered infructuous.

The Tribunal had granted recovery rights against the appellant owner of the offending vehicle for the reason that he was unable to prove driving licence before the Tribunal.

After the present appeal was filed, a review petition was filed before the MACT, Rohtak pointing out the factual error in the judgment inasmuch as the driving licence was on record and had been mentioned in the written statement filed by the owner. This position has been accepted by the Tribunal and Misc. Application No.32 of 2016 filed by the appellant has

been allowed on January 12, 2017.

As a result, the entire compensation has to be paid by the Insurance Company and the liability does not follow the appellant.

In these supervening events, the learned counsel submits that he has no dispute left in this case.

Accordingly, the appeal is dismissed as infructuous. The sum of ₹25,000/- deposited in this Court for entertaining the appeal is ordered to be refunded to the applicant-appellant after following due procedure.

(RAJIV NARAIN RAINA)
JUDGE

28.08.2017

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*