

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

Date of Decision:- 29.11.2017

1. FAO No. 6163 of 2015 (O&M)

Naresh Kumar & Anr.

....Appellants

Versus

Parveen Kumar & Anr.

...Respondents

2. FAO No. 6125 of 2015 (O&M)

Naresh Kumar & Ors.

....Appellants

Versus

Gaurav (minor) through Rajesh Devi & Anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Verma, Advocate, for the appellants.

Mr. Rajbir Singh, Advocate, for respondent No.2.

Mr. Shailender Singh, Advocate, for the claimant.

AVNEESH JHINGAN, J. (Oral)

The present appeals have been filed against the award dated 14.11.2014 passed in MACT Case No. 300 of 2013 and 301 of 2013.

The present appeals have been filed by the owner of the offending bus bearing registration No. RJ-14-PC-2444. The only grievance raised by the appellant is that recovery rights have been given to the insurance company on the ground that the bus was not having a valid route permit and fitness certificate.

Though learned counsel for the appellant(s) is relying upon Apex Court decision to submit that this cannot be a ground for giving

recovery rights but at the same time he has moved an application for placing on record the route permit and the fitness certificate.

The learned counsel for the insurance company stated that these documents would need verification.

In the present case verification of the route permit and the fitness certificate would be needed and thereafter if need be the parties may be required to adduce some more evidence.

In such circumstances, it is deemed appropriate to remit the matter back to the Tribunal to decide the issue of recovery rights afresh after affording opportunities to both the parties to adduce evidence in support of their respective pleas.

Parties are directed to appear before the Tribunal on 30.01.2018.

The statutory amount deposited for filing of the appeal be remitted back to the Tribunal.

Appeals are disposed of accordingly.

November 29, 2017
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(AVNEESH JHINGAN)
JUDGE

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