

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

FAO No.673 of 2015(O&M)

Date of decision: 7.12.2017

Oriental Insurance Company Ltd.

.....Appellant

VERSUS

Gurdayal Singh and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ravinder Arora, Advocate for the appellant.

 Mr. Amrik Singh, Advocate for respondent No.5.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 28.02.2014 passed by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Gurdev Kaur in a motor vehicular accident that took place on 03.01.2012.

Counsel representing the insurance company, at the outset, would inform that the appeal has been preferred to assail findings of the Tribunal on issue No.3 i.e. "Whether the alleged driver respondent No.1 was not holding a valid and effective driving licence at the time of accident?".

There cannot be any dispute that in case findings of the Tribunal on issue No.3 are modified/reversed the insurance company, at best, can pray for recovery right against the insured after discharging its

liability towards the claimants. As the appeal filed by the insurance company against respondent No.6 (registered owner of the vehicle) already stands dismissed vide order dated 15.11.2016, nothing survives for consideration qua claim of the insurance company.

In view of the above, the appeal fails and is accordingly dismissed.

DECEMBER 7, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no