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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 28.07.2017

1. FAO No.2630 of 2017 (O&M)

Jitender Kumar Appellant
Vs.

Sunita and others Respondents

2. FAO No. 2647 of 2017 (O&M)

Jitender KumarAppellant

Vs

Khatu and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Namit Khurana, Advocate
for the appellant.

Mr. Sumit Talwar, Advocate
for respondent No. 2.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, FAO No.2630 of 2017 titled
Jitender Kumar Vs. Sunita and others and FAO No.2647 of
2017 titled Jitender Kumar Vs. Khatu and others are being
disposed of.

CM No. 8764 and 8721-CII of 2017

For the reasons mentioned in the applications, the same are allowed. Delay of 42 and 37 days in filing the FAO No. 2630 and FAO No. 2647 of 2017 respectively are condoned.

Applications stand disposed of.

Main case

Learned counsel for the appellant states that respondent No. 2 is the only contesting respondent for the purposes of deciding the controversy with regard to the recovery rights given to respondent No. 2, therefore, service qua other respondents be dispensed with at this stage. Ordered accordingly.

Learned counsel relied upon decision dated 03.07.2017 passed by the Hon'ble Apex Court in Civil Appeal No. 5826 of 2011 titled 'Mukund Dewangan Vs. Oriental Insurance Company Ltd. Etc.' to contend that Insurance Company is liable to make good the award, even if, the appellant was found driving transport vehicle of the same category.

Learned counsel for respondent No. 2 has not disputed the aforesaid fact on the basis of observations made by the Hon'ble Apex Court in the aforesaid judgment.

In view of above, both appeals are accepted.

The award shall be honoured by respondent No. 2 in

the light of observations made by the Hon'ble Apex Court in
Mukund Dewangan' case (Supra).

July 28, 2017.
Seema

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/ No

Whether reportable

Yes/No