

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

FAO-7486-2017 (O&M)
Date of decision: 19.12.2017

Neeraj Carrier

.... Appellant

Versus

Subhash Chander and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Amit Singla, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 11.09.2017 passed by Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal').

There was a motor vehicular accident that occurred on 05.11.2013 in District Raigarh, Chhattisgarh. The offending vehicle in the said accident was bearing registration No.OR-16C/1138. Two persons, namely, Sushil Chakarpani and Moti Dass Mahant, lost their lives and one Subhash Chander suffered injuries.

The claim petitions under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') were filed. The legal heirs of the deceased filed the claim petition in Raigarh and Subhash Chander filed his claim petition in Hisar. Compensation was awarded in both the cases and Insurance Company was held liable to pay compensation.

In the case in hand, recovery rights were awarded to the Insurance Company on the ground that original driving licence and fitness certificate were not produced.

Learned counsel for the appellant contends that in the other two claim petitions arising out of the same accident, the Tribunal at Raigarh, had accepted the validity of the driving licence. Further, he argued that the said awards were exhibited as PW46 and PW47 before the Tribunal but the same have not been discussed.

Learned counsel for the Insurance Company has contended that these facts need verification and he has no objection if the matter is remitted back to the Tribunal.

Without expressing any opinion on the merits of the case, it is deemed appropriate to remit the matter back to the Tribunal to decide the issue only with regard to fixing the liability to pay the compensation in accordance with law.

Parties are directed to appear before the Tribunal on 18.01.2018.

The appeal is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

19.12.2017
anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No