

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

FAO No.5382 of 2003 (O&M)
Date of Decision : 12.09.2018

National Insurance Company Limited

..... Appellant

Versus

Smt. Charanjit Kaur and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Deepak Suri, Advocate
for the appellant.

Mr. Sanjeev Sharma, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

On 12.08.2016 the following order was passed :-

*“Heard. This is an application seeking re-hearing in
FAO No.5382 of 2003 decided on 9th September, 2010.*

*Vide order dated 9th September, 2010, the appeal filed by
Insurance Company was allowed and it was allowed right to
recover the amount of compensation from the owner/insured,
on the ground that there were interpolation in the driving
licence of the driver of offending vehicle and the same was not
genuine.*

*Applicant-respondent No.2 also moved an application
under Order 41 Rule 27 read with Section 151 CPC (Civil
Miscellaneous No.15457-CII-2016) to prove that the licence
was genuine.*

Learned counsel for the Insurance Company-appellant has no objection, if the application filed by the driver/owner of the offending vehicle under Order 41 Rule 27 read with Section 151 CPC is allowed and the matter be sent to the Tribunal to record the additional evidence and send the report.

With the consent of both the counsel, order dated 9th September, 2010 is recalled and the file is ordered to be sent to the Motor Accident Claims Tribunal, Panchkula, for recording evidence regarding the validity of driving licence of respondent No.2-S.D. Bhatia. Parties will appear before the Tribunal on 8th September, 2016. After recording the evidence of driver/owner of the vehicle involved in the accident, the Tribunal will provide opportunity to the Insurance Company to produce evidence in rebuttal, if so desired and then send report regarding the validity and genuineness of the driving licence of the driver/owner.

List on 12.01.2017.”

Thereafter report dated 30.03.2017 has been received from the Additional District and Sessions Judge, Panchkula as per which admittedly the licence has been found to be valid.

Counsel for respondent No.2 states that in view of this finding the appeal has to be dismissed.

Counsel for the appellant has fairly accepted this.

Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

12.09.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No