

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

FAO No. 2047 of 1999

Date of Decision: 29.11.2018

National Insurance Company Limited

.....Appellant

Versus

Sahabji and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Aseem Aggarwal, Advocate
for the appellant.

None for respondent no.5.

LISA GILL, J

This appeal has been filed by the National Insurance Company challenging the award dated 22.02.1999, passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short 'Tribunal'), on the ground that it should be absolved entirely of its liability to pay the compensation.

Learned tribunal while affording compensation of ₹1,92,000/- to the claimants on account of death of Iliyas afforded the appellant-Insurance Company the right to recover the amount in question from the owner and driver of the offending vehicle on the ground that driver of the offending vehicle at the time of the accident did not possess a valid driving license. It is pointed out that appeal filed by the owner in FAO No.2848 of 1999 was disposed of on 23.07.2001 by this Court while remanding the matter to the tribunal with a direction to adjudicate afresh on the issue of a fake driving license after affording an opportunity to the parties to adduce evidence.

It is submitted that despite best efforts, information regarding the fate of the matter before the learned tribunal after remand of the case

could not be ascertained. It is submitted that the claim in question in all probability has been satisfied by the appellant-Insurance Company. Therefore, pursuing the present appeal would only be an academic exercise and learned counsel for the appellant does not press the present appeal, at this stage.

Ordered accordingly.

Needless to say, the Insurance Company shall be bound by the adjudication, if any, by the learned tribunal after the remand of the matter in FAO No. 2848 of 1999, subject to its right of appeal.

29.11.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.