

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

Date of Decision:- 16.03.2018

1. FAO No. 506 of 2004 (O&M)

M/s Prem Motors

....Appellant

Versus

Gurmel Kaur & Ors.

...Respondents

2. FAO No. 509 of 2004 (O&M)

M/s Prem Motors

....Appellant

Versus

Balvir Kaur & Ors.

...Respondents

3. FAO No. 507 of 2004 (O&M)

M/s Prem Motors

....Appellant

Versus

Gian Dass & Ors.

...Respondents

4. FAO No. 508 of 2004 (O&M)

M/s Prem Motors

....Appellant

Versus

Gurmel Kaur & Ors.

...Respondents

5. C.R No. 386 of 2004 (O&M)

M/s Prem Motors

....Appellant

Versus

Balvir Dass & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Avnish Mittal, Advocate, for the appellant.

Mr. Neeraj Khanna, Advocate, for Insurance Co.

AVNEESH JHINGAN, J. (Oral)

These are five cases, four FAOs and one civil revision, arising from the awards dated 07.11.2003 passed by Motor Accident Claims Tribunal, Barnala.

An accident took place on 02.01.2000. Balvir Dass, Balvir Kaur, Manjit Kaur, Mohan Devi, Sinderpal @ Soma and Gurcharan Singh were traveling in a jeep bearing Registration No. PJS – 7071. The said jeep met with an accident with a bus bearing registration No. PB-03/D-4081. As a result of the accident three occupants of jeep lost their lives and other suffered injuries.

Claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'). The Tribunal awarded compensation and further gave recovery rights to the insurance company as it was held that the driver of the offending bus was not having a valid driving license.

Learned counsel for the owner of the offending bus contended that even though the driving license was found to be fake, yet the owner had taken various steps to satisfy himself before employing driver. He relies upon the decision of Supreme Court in **Pepsu Road Transport Corporation Vs. National Insurance Company, 2013(4) RCR (Civil) 273.** His contention is that of recovery rights awarded needs reconsideration in view of the decision of the Apex Court.

Since the issue involved would be needing re-appreciation of

facts and evidence, there may be a need for adducing further evidence, if so required.

In the facts and circumstances of the case, without expressing any opinion on the merits of the case, the matters are remitted back to the Tribunal to decide the issue regarding liability to pay compensation afresh in accordance with law.

Parties are directed to appear before the Tribunal on 16.05.2018.

Disposed of accordingly.

March 16, 2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No