

**FAO-5435-2004 (O&M)**  
**FAO-5187-2003 (O&M)**

**-1-**

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

**(353)**

**FAO-5435-2004 (O&M)**  
**Decided on: February 26, 2018.**

**M/S. KANDHARI BEVERAGES LTD.**

**.... Appellants**

**Versus**

**SARUP SINGH AND OTHERS**

**..... Respondents**

**FAO-5187-2003 (O&M)**  
**Decided on: February 26, 2018.**

**SARUP SINGH AND OTHERS**

**.... Appellants**

**Versus**

**M/S. KANDHARI BEVERAGES LTD.**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**Present: Mr. O.P. Goyal, Senior Advocate**  
**with Ms. Anshika Sharma, Advocate**  
**for the appellant(s) in FAO No.5435 of 2004 and for**  
**respondents No.1 and 2 in FAO No.5187 of 2003**

**Mr. Assen Aggarwal, Advocate**  
**for the Insurance Company.**

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The present appeals have arisen from award dated 14.08.2003  
passed by Motor Accidents Claims Tribunal, Patiala (hereinafter referred to  
as 'the Tribunal').

In a motor vehicular accident that took place on 30.07.2001,

Natha Singh lost his life. He was working as a Beldar in PWD Department. The offending vehicle in the accident was a truck bearing registration No. PB-02H-9950 .

FIR No. 269 dated 30.07.2001 was registered at Police Station City Rajpura.

A claim petition was filed by the legal heirs of the deceased under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'). The tribunal awarded a sum of ₹ 50,000/-.

The owner and driver of the offending vehicle have filed appeal alongwith an application for additional affidavit being aggrieved that the Insurance Company was absolved from its liability.

The claimants have filed appeal for enhancement of compensation.

Learned counsel for the owner and driver of the offending vehicle relied upon the additional evidence sought to be produced to state that the verification report of the driving licence was not made with regard to the licence held by the driver. The verification was done for the driving licence bearing No. 3814 issued by licensing authority Roopnagar whereas the driving licence number was 3814A.

Learned counsel for the Insurance Company argued that if the additional evidence is to be considered, the insurance company should be given an opportunity to verify the licence. He further argued that since the original licence was issued from Chandigarh and thereafter renewed from Roopnagar, therefore, they would be verifying from both the offices.

In view of the facts and circumstances of the case, without expressing any opinion on merits, the matter is remanded back to the Tribunal to decide the issue of liability to pay compensation as well as the enhancement of the compensation. Opportunity would be provided to all the parties to adduce evidence in support of their claims, if so desired.

Both the appeals are disposed of accordingly.

(AVNEESH JHINGAN)  
JUDGE

*February 26, 2018.*  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |