

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

-.-

FAO 1090 of 2009 (O&M)
Date of decision: 27.07.2018

Rachhpal Singh

..... Appellant

Versus

Narender Kaur and others

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ashok Jindal, Advocate
for the appellant

Mr. Vipin Mahajan, Advocate
for respondent No. 1

Mr. Pardeep Goyal, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 18.11.2008 passed by the Motor Accidents Claims Tribunal, Gurdaspur (hereinafter to be referred as 'the Tribunal').

Counsel for the appellant and respondent No. 3 are ad idem that findings of the Tribunal on issue No. 3 may be set aside and matter be remitted to the Tribunal for deciding issue No. 3 afresh.

In view of the above, the appeal is partly allowed. Findings of the Tribunal on issue No. 3 are set aside and matter is remitted to the Tribunal for deciding issue No. 3 afresh. The appellant shall supply a copy of the driving licence for necessary verification by the insurance company.

The insurance company shall be at liberty to adduce evidence to substantiate

its plea with regard to the driver not having legal and valid licence. The appellant shall also be at liberty to adduce evidence, in this regard. It is clarified that the Tribunal will not re-open the matter with regard to issue No. 1 and entitlement of the claimants to get compensation.

The parties through their counsel are directed to appear before the Tribunal on 28.08.2018.

Disposed of accordingly.

(Rekha Mittal)
Judge

27.07.2018
mohan bimbura

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