

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. FAO-627-2008 (O&M)

Tarandeep Singh and another

..... Appellants

Versus

Guriqbal Singh and another

..... Respondents

2. FAO-628-2008 (O&M)

Tarandeep Singh and another

..... Appellants

Versus

Guriqbal Singh and another

..... Respondents

Date of decision: 16.05.2018

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ravinder Rana, Advocate
for the appellants (in both cases).

Mr. Ashwani Talwar, Advocate
for respondent No. 2-Insurance Company (in both cases).

RAMENDRA JAIN, J. (ORAL)

CM-10122-CII-2018 in FAO-627-2008

Allowed as prayed for.

CM No. 10123-CII in FAO-627-2008 and
CM No. 9999-CII in FAO-628-2008

Through the above two applications under Order 41 Rule 27
read with Section 151 CPC, prayer has been made for production of
registration certificate of the offending vehicle and driving licence of

appellant No. 1-Taran Deep Singh (Annexures A-1 and A-2, respectively) for effective adjudication of both the appeals, inasmuch as, the learned Tribunal below has fastened liability upon the driver and owner of the offending vehicle for not producing the above documents, despite that the offending vehicle was comprehensively insured by respondent No. 2-Insurance Company.

Heard.

The applications are allowed. The registration certificate and driving licence (Annexures A-1 and A-2, respectively in both the appeals) are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place in their respective appeals.

FAO Nos. 627 and 628-2008 (O&M)

Through this common judgment two above titled appeals are being disposed of filed by owner and driver of the offending car, against two separate impugned Awards of even date i.e. 27.08.2007, of the Motor Accident Claims Tribunal, Chandigarh (for short-'the Tribunal').

Heard.

Considering the registration certificate and driving licence Annexures A-1 and A-2, respectively, it is apparent on the record that the offending car was insured on the date of accident by respondent No. 2-Insurance Company, vide insurance policy Ex. R-1, therefore, the liability fastened upon the appellants in both the appeals being driver and owner of the offending vehicle by the learned Tribunal has to be shifted upon respondent No. 2-Insurance Company. Accordingly, both the appeals bearing FAO Nos. 627 and 628-2008 are accepted in toto. Resultantly, the

finding of the learned Tribunal, exonerating the liability of respondent No. 2-Insurance Company is set aside. It is held that respondent No. 2-Insurance company shall solely be responsible to make payment of compensation.

May 16, 2018
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(RAMENDRA JAIN)
JUDGE

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