221-b IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

<u>FAO No. 1351 of 2015 (O&M)</u>
Date of decision : October 09, 2018

Palwinder Singh .....Appellant

Versus

IFFCO TOKIA General Insurance Company Limited ....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. F.S. Virk, Advocate
for the appellant.

Mr. M.B. Jain, Advocate
for respondent No. 1.

Mr. Banni Thomas, Advocate
for respondent No. 4.

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<u>LISA GILL, J.</u>

Present appeal has been filed by the owner of the offending vehicle challenging liability imposed upon him by the learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal') vide award dated 02.09.2014.

Brief facts necessary for adjudication of the case are that the claimants - respondents filed petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Jarnail Singh on 26.02.2013 in a motor vehicle accident caused due to driving of the offending vehicle Truck bearing registration No. PB-11AL/9687 driven by respondent No.1 in a rash and negligent manner. The owner was held liable on the ground that the respondent – driver was not holding a valid licence for driving the vehicle at the time of accident.

During the pendency of this appeal, application under Order 41 Rule 27 CPC read with Section 151 CPC was filed alongwith this appeal for producing on record the driving licence of respondent No. 1. It was averred that the said licence, which was valid w.e.f. 28.09.2012 up to 31.10.2013, was issued by the District Transport Officer, Patiala. The accident in this case, took place on 26.02.2013.

Reply dated 11.09.2008 to the said application has been filed by the authorised signatory of the insurance company. It is accepted in the said reply that as per the verification report, the driving licence of Palwinder Singh attached as Annexure A1 as referred to above is a valid and genuine driving licence issued by the DTO, Patiala. Therefore, in this situation learned counsel for the insurance company fairly concedes that the insurance company would not have any right to recover the amount of compensation deposited by the insurance company.

Present appeal is, accordingly, allowed.

(Lisa Gill)
Judge

October 09, 2018
rts

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