

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: January 17, 2018

1. FAO No.3610 of 2013 (O&M)

Shamsudin

...Appellant

Versus

Shri Ram General Insurance Company Ltd. & others

...Respondents

2. FAO No.3611 of 2013 (O&M)

Shamsudin

...Appellant

Versus

Shri Ram General Insurance Company Ltd. & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Rajesh Lamba, Advocate,
for the appellant in both the appeals.

Mr.Arun Sharma, Advocate for
Mr.T.K.Joshi, Advocate,
for respondent No.1

Mr.Rajender Kumar, Advocate,
Legal Aid Counsel,
for respondent No.1.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of two FAOs bearing No.3610
and 3611 of 2013 as the common questions of law and facts are involved.

Appellant-owner is in appeals against the findings rendered by
the Motor Accident Claims Tribunal (for short “Tribunal”), whereby the

recovery rights have been given to the Insurance Company to recover the amount disbursed to the claimants on the ground that the vehicle involved did not have the valid route permit.

Mr.Rajesh Lamba, learned counsel for the appellant-owner submits that applications bearing No.14760-CII in FAO No.3610 of 2013 and 14764-CII of 2013 in FAO No.3611 of 2013 were moved under Order 41 Rule 27 CPC for additional evidence in the form of Annexures A-1 to A-3, in which notice was issued and the Insurance Company was directed to verify the correctness of the route permit. He submits that the route permit has been verified and found to be correct as the vehicle at the time of the accident, which had taken place on 25.8.2011, had a valid route permit. This fact is not disputed by the learned counsel for the Insurance Company.

In view of the aforementioned position, the award of the Tribunal qua giving of recovery rights to the Insurance Company to recover the amount from the owner and the driver is modified. There shall be no recovery rights.

Appeals stand disposed of.

The statutory amount of ₹25,000/- deposited by the appellant-owner vide receipts dated 23.5.2013 and 14.5.2013 in both the appeals is ordered to be refunded to him.

January 17, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No