

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

(1) **FAO No. 2150 of 2014 (O&M)**

Punjab Container Services (Regd.)

.....Appellant

Versus

Gurneet Kaur (minor) through her natural guardian and next friend and others

.....Respondents

(2) **FAO No. 2151 of 2014 (O&M)**
Date of Decision: 22.10.2018

Punjab Container Services (Regd.)

.....Appellant

Versus

Gurnoordeep Singh (minor) through his natural guardian and next friend and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Veerinderjit Singh, Advocate
 for the appellant in both the appeals.

 Mr. Subhash Goyal, Advocate
 for respondent-Insurance Company.

DEEPAK SIBAL, J. (ORAL)

The present order shall dispose of two appeals being FAO-2150-2014 and FAO-2151-2014.

The facts, in brief, which are required to be noticed for disposing of the present appeals are that on 28.11.2008 Gurneet Kaur and Gurnoordeep Singh (hereinafter referred to as the claimants) were going along with their father and mother in a Maruti Esteem car bearing registration No. PB-26-A-0006 on GT road from Jandiala Guru to Ludhiana.

At about 4.00 p.m. their car was hit by a long truck/trailer bearing

registration No.PB-08L-6686 (for short, the offending vehicle). As a result of the accident both the claimants suffered injuries, leading to the filing of claim petitions under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Jalandhar (for short, the Tribunal). In such claim petitions after returning a finding that the offending vehicle was being driven rashly and negligently, the Tribunal assessed and granted compensation to be paid to both the claimants by the respondent-Insurance Company. However, on the ground that the driver of the offending vehicle had not placed on record his driving licence, the Tribunal granted recovery rights to the insurance company to recover compensation paid by them to the claimants from the appellant/owner of the offending vehicle. Such recovery rights granted to the insurance company are the subject matter of challenge in the present appeal.

While the instant appeals were pending, an application was filed on behalf of the appellant to lead additional evidence in the form of driving licence of respondent No.2 who was the driver of the offending vehicle. Notice of the application was issued to learned counsel for the respondent-Insurance Company who sought and got time to verify the genuineness of the afore-referred driving licence.

Today, Mr. Subhash Goyal, Advocate appeared on behalf of the respondent-insurance company and submitted that after verifying the driving licence of respondent No.2-driver, the same has been found to be genuine.

In the present appeals, the right granted to the insurance company to recover the awarded compensation from the appellant/owner of the offending vehicle is the only subject matter of challenge. Such recovery rights have been granted only on the ground that the driving licence of

respondent No.2-driver had not been produced before the Tribunal. The driving licence of respondent No.2 was produced before this Court by way of additional evidence which after verification by the respondent-insurance company has been found to be genuine. In the light of this subsequent fact, the findings of the Tribunal through which recovery rights have been granted to the respondent-insurance company to recover the awarded compensation from the appellant/owner of the offending vehicle need to be set aside and it is so ordered.

In view of the above, both the appeals being FAO-2150-2014 – “Punjab Container Services (Regd.) Vs. Gurneet Kaur (minor) through her natural guardian and next friend and others” and FAO-2151-2014 – “Punjab Container Services (Regd.) Vs. Gurnoordeep Singh (minor) through his natural guardian and next friend and others” are allowed.

(DEEPAK SIBAL)
JUDGE

22.10.2018
sandeep

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