

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

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FAO No.4061 of 2014 (O&M)

Date of Decision : 13.07.2018

The Dalal Co-op. TPT Society Ltd.

..... Appellant

Versus

Parveen and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Vipul Joshi, Advocate for
Mr. P.S.Ahluwalia, Advocate
for the appellant.

Mr. Rajesh K.Sharma, Advocate
for respondent No.2-Insurance Company.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 21.10.2013 passed by the Motor Accident Claims Tribunal, Jhajjar whereby the compensation of Rs.2,30,000/- was awarded to the injured claimant. Since a very limited point has been raised further detailed reference to the facts is not necessary.

Learned counsel for the insured has filed this appeal against the recovery rights which have been granted to respondent No.2-Insurance Company. The recovery rights had been granted on the ground that the bus was plying on a route for which the appellant did not have a permit. It is otherwise not disputed that the vehicle was having a State Carriage Permit.

Learned counsel for the appellant states that this fact is now

relied upon *Future General Insurance Co., Ltd. Vs. Smt. Surjo Devi and others, 2013 ACJ 2282, National Insurance Company Ltd. Vs. Rajender Giri and others, 2013 ACJ 1213, ICICI Lombard General Motor Insurance Company Ltd. Vs. Vijaya Chhabra and others, 2017 ACJ 168 and Lakhwinder Singh Vs. Rukmani Mishra and others, 2016 (4) PLR 617.*

Learned counsel for respondent No.2-Insurance Company has fairly accepted that this is indeed the position of law.

In the circumstances, the appeal is allowed and the recovery rights are set aside.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

13.07.2018
Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No