

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

FAO No.1472 of 2016 (O&M)

Date of decision : 14.12.2018

Surender

...Appellant

Versus

Smt. Kaushalya and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Anu Garg, Advocate for the appellant.

Mr. Paul S. Saini, Advocate for the Insurance Company.

ANIL KSHETARPAL, J. (ORAL)

Driver-appellant is in the appeal against the award passed by the Motor Accident Claims Tribunal absolving the Insurance Company on the ground that the driving licence of the appellant has a different father's name than what is mentioned in the claim petition.

It may be noted that the appellant-Surender has been referred to as the son of Om Sawroop whereas in the driving licence, he has been referred to as Surender Singh son of Om Parkash.

During the pendency of the present appeal, an application bearing CM No.26153-CII of 2018 under Order 41 Rule 27 CPC for permission to lead additional evidence was filed and the counsel for the Insurance Company was requested to verify the facts as stated in the application and apprise this Court about the correct position.

Learned counsel for the Insurance Company has submitted that the Insurance Company has verified the documents which have been attached with the application for additional evidence and on verification, it has been found that Surender Singh son of Om Parkash and Surender Singh son of Om Sawroop is one and the same person. He has produced before this Court a photocopy of e-mail received by him from the Insurance Company dated 12.12.2018, which is taken on record and marked as Mark “C”.

Accordingly, the award passed by the Motor Accident Claims Tribunal is modified and the owner, driver and Insurance Company shall be jointly and severally liable.

In view of the above, the present appeal is disposed of.

Application bearing CM No.26153-CII-2018 for permission to lead additional evidence, is allowed.

14.12.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No