

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

221-A

FAO No.452 of 2014 (O&M)
Date of decision: 18.04.2018

National Insurance Co. Ltd.

... Appellant

Versus

Gurpreet Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Neeraj Khanna, Advocate for the insurance company.

Mr. Vivek Singla, Advocate for
Mr. Vivek Salathia, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

CM No.1385-CII of 2014

Heard.

Allowed as prayed for. Delay of 02 days in re-filing the appeal stands condoned.

Main Case

The present appeal directs challenge against award dated 18.09.2013 passed by the Motor Accidents Claims Tribunal, Amritsar whereby compensation has been allowed in regard to injuries sustained by Gurpreet Singh in a motor vehicular accident that took place on 18.09.2011.

Perusal of order dated 23.1.2014 passed by this Court would reveal that appeal filed by the insurance company to challenge quantum of compensation has been dismissed against respondent No.1/claimant. Therefore, findings of the Tribunal in regard to assessment of compensation so far as the insurance company is concerned have attained finality.

Counsel for the appellant would inform that appeal filed by the insurance company survives only on the question of validity or otherwise of the driving licence possessed by Balwinder Singh, driver of the

offending bus. It is argued that though the insurance company raised a specific plea that driver was not possessing any licence on the day of occurrence but the Tribunal has neither framed any specific issue in this regard nor recorded any finding while deciding issue No.3 along with issues No.1 and 2.

Counsel for the appellant and respondent No.2 are *ad idem* that the matter may be remitted to the Tribunal for deciding the question of driving licence as well as liability of the insurance company.

In view of the above, the present appeal stands disposed of and the matter is remitted to the Tribunal to decide the question of driving licence in view of plea raised by the insurance company either by framing a specific issue in this regard or otherwise but the parties may be permitted to adduce evidence on the said question. Till the matter is decided by the Tribunal, the insurance company shall not be entitled to recover compensation already paid to the claimant. It is clarified that this appeal has been disposed of without prejudice to right of the claimant to press for enhancement of compensation in FAO No.1977 of 2014 filed by him. The parties through their counsel are directed to appear before the Tribunal on 23.05.2018. The Tribunal is directed to dispose of the matter within a period of three months from the date of parties putting in appearance.

18.04.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No