

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

FAO No. 5663 of 2013 (O&M)
Date of decision : August 13, 2018

Gulbahar Singh

..... Appellant

v.

Reliance General Insurance Company Limited and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Naresh Kaushik, Advocate
for Mr. TPS Bhatti, Advocate
for the appellant.

Mr. AS Jaswal, Advocate
for Mr. Nikhil Chopra, Advocate
for respondent No.1.

Mr. Arvind Kashyap, Advocate
for respondents No.2 to 5.

Ajay Tewari, J (Oral)

This appeal has been filed against the Award of the Tribunal granting recovery rights. The contention of counsel for the appellant is that on the day of accident, an application for renewal of licence was pending and, therefore, it should not have been held that the appellant was not having a valid licence.

Counsel for respondent No.1 points out that this is an incomplete narration of facts. Actually, the licence of the appellant was valid upto 22.10.2010. As per the provisions of the Motor Vehicles Act, he could apply for renewal of licence within 30 days and if after that renewal

the accident had taken place, this ground may have been available to the appellant but in the present case, the appellant applied on 9.2.2011 i.e beyond the period of 30 days. In the circumstances, it has to be held that on the day of accident i.e 2.3.2011, he had no valid licence. This point has now been conclusively settled by the Supreme Court in Ram Babu Tiwari vs. United India Insurance Company Limited and others, 2008 ACJ 2654.

In the circumstances, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 13, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No