IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO 2523 of 2016 (O&M)
Date of decision: 21.11.2018

Gurwinder Singh and another ......*Appellants*

versus

United India Insurance Company Limited and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Raman Mohinder Sharma, Advocate
for the appellants

Mr. J S Chatrath, Advocate
for the insurance company

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Rekha Mittal, J. (Oral)

The driver and owner of Verna Car bearing No. CH 03Y 3123 (the alleged offending vehicle) are in appeal to assail findings of the Tribunal on issue No. 3 whereby it has been held that Gurwinder Singh-appellant No. 1, driver of aforesaid vehicle was not holding a valid licence and the insurance company shall be entitled to recover the amount from the driver and owner of offending vehicle after satisfying the award towards the claimants.

Counsel for the appellants would urge that an application for additional evidence seeking permission to produce copy of report of Licensing Authority dated 24.06.2014 (Annexure A1), driving licence (Annexure A2) and report dated 19.01.2016 of Licensing Authority, Malerkotla (Annexure A3) has been filed and the documents on record are sufficient to negate plea of the insurance company that driver of the offending vehicle was not holding a valid licence. It is prayed that findings of the Tribunal on issue No. 3 may be set aside and the matter be remitted to the Tribunal for decision of issue No. 3 afresh on the basis of evidence to be led by the appellants and evidence in rebuttal, if any, to be adduced by the insurance company.

Counsel for the insurance company has got no objection.

In view of the above, the appeal stands disposed of. Findings of the Tribunal on issue No. 3 are set aside and the matter is remitted to the Tribunal for decision of issue No. 3 afresh. The appellants shall be given two effective opportunities to adduce evidence to prove that Gurwinder Singh was holding a valid licence authorizing him to drive the vehicle in question on the day of occurrence. After evidence adduced by the appellants, the insurance company shall be entitle to an opportunity to rebut the same.

Parties through their counsel are directed to appear before the Tribunal on 18.12.2018. The Tribunal is directed to decide the matter within a period of three months from the parties putting in appearance.

As findings of the Tribunal on issue No. 3 have been set aside, execution application filed by the insurance company shall be dismissed having rendered infructuous.

(Rekha Mittal)
Judge

21.11.2018
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