

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

Date of decision: 3.7.2018

FAO No.2677 of 2016(O&M)

1.

M/s Chopra Bros. India (P) Ltd.

.....Appellant

VERSUS

Kuldeep Singh and others

.....Respondents

Present: Mr. Anupam Singla, Advocate for the appellant.

Mr. Harsh Aggarwal, Advocate for respondent No.1.

Mr. R.K. Bashamboo, Advocate for respondent No.2.

2.

FAO No.2678 of 2016(O&M)

M/s Chopra Bros. India (P) Ltd.

.....Appellant

VERSUS

Sunita Devi and others

.....Respondents

Present: Mr. Anupam Singla, Advocate for the appellant.

Mr. J.S. Khattar, Advocate for
Mr. Deepak Sharma, Advocate for respondents No.1 to 5.

Mr. R.K. Bashamboo, Advocate for respondent No.6.

3.

FAO No.2688 of 2016(O&M)

M/s Chopra Bros. India (P) Ltd.

.....Appellant

VERSUS

Reliance General Insurance Co. Ltd. and others

.....Respondents

Present: Mr. Anupam Singla, Advocate for the appellant.

Mr. R.K. Bashamboo, Advocate for respondent No.1.

Mr. Harsh Aggarwal, Advocate for respondent No.2.

4.

CR No.3407 of 2016(O&M)

M/s Chopra Bros. India (P) Ltd.

.....Petitioner

VERSUS

Kuldeep Singh and others

.....Respondents

Present: Mr. Anupam Singla, Advocate for the petitioner.

Mr. Harsh Aggarwal, Advocate for respondent No.1.

Mr. R.K. Bashamboo, Advocate for respondent No.2.

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

REKHA MITTAL, J.

This order will dispose of FAO Nos.2677, 2678, 2688 of 2016 and CR No.3407 of 2016 as identical questions of law and fact are involved for adjudication. The aforesaid appeals and revision have been filed by M/s Chopra Bros India Pvt. Ltd. against whom the insurance company has been given right of recovery in the light of findings on issue No.6, recorded by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhari (in short 'the Tribunal'). In addition, the Tribunal has sent copy of judgment to SHO P.S. City, Jagadhari with a direction to initiate criminal proceedings against Sandeep Kumar, driver of the offending vehicle by relying upon judgment of this Court **Mukesh Khosla Vs. Smt. Amandeep Kaur and others, 2015 (1) PLR 324.**

Counsel for the parties are ad idem that as the insurance company has not examined a witness of the concerned licencing authority(s) to prove the reports Ex.R3, R5 and R6, findings of the Tribunal on issue No.6 may be set aside and the matter be remitted to the Tribunal for decision of issue No.6 afresh by providing an opportunity to

the insurance company to prove the reports in accordance with law and evidence, if any, to be adduced by the driver and owner of the offending vehicle. The driver and owner of the offending vehicle are directed to produce on record driving licence, if any, possessed by Sandeep Kumar at the relevant time.

In view of the above, the appeals and revision petition stand disposed of. The matter is remitted to the Tribunal for decision of issue No.6 afresh by providing an opportunity to the insurance company to prove the reports in accordance with law and evidence, if any, to be adduced by the driver and owner of the offending vehicle.

Parties through their counsel are directed to appear before the Tribunal on 06.08.2018.

The Tribunal is directed to dispose of issue No.6 within a period of three months from the parties putting in appearance.

JULY 3, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no