

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

**FAO No. 3853 of 2015
Date of decision:-14.05.2018**

Shiv Motors Carrier

---Appellant.

Versus

Mohinder Kaur and others

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. S. S. Kamboj, Advocate,
for the appellant.

Mr. Gurinderjit Singh, Advocate,
for respondent Nos.1 and 2.

Mr. Mohit Malik, Advocate,
for respondent No.3.

AVNEESH JHINGAN J. (Oral)

CM No. 18046-CII of 2015

Present application is for condonation of delay in re-filing the appeal.

For the reasons mentioned in the application, same is allowed and delay 81 days in refiling the appeal is condoned.

Accordingly, application stand disposed of.

Main Case

The present appeal arises from the award dated 15.01.2015 passed by Motor Accident Claims Tribunal, SAS Nagar Mohali (for short 'the Tribunal').

The present appeal has been filed by the owner of the Tipper bearing registration No. No.PB-11-AN-7695 (for short 'the offending

vehicle).

On 28.10.2013, a motor vehicular accident took place. Kuldeep Singh, aged 32 years, alongwith his brother was going towards Kharar on motorcycle bearing registration No. PB-39-E-9947. Near Village Tangori, motorcycle was struck by the offending vehicle being driven in rash and negligent manner. As a result of the impact, Kuldeep Singh suffered grievous injuries and died at the spot.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the legal heirs of the deceased. The Tribunal awarded a sum of ₹14,65,000/- along with interest at the rate of 9% per annum.

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The owner and driver of the offending vehicle were held liable to pay the compensation as they failed to produce the valid driving licence of the driver.

In the present appeal, the only grievance raised by learned counsel for the appellant is that the driving licence was handed over to the counsel but inadvertently the same was not placed on record. Photocopy of the driving licence has been annexed with the appeal as Annexure A-1. An application for adducing additional evidence has also been moved with which there is a verification report of the Transport Officer, Fateh Garh Sahib verifying the said driving licence.

Learned Counsel for the insurer contended that they may be given an opportunity to verify the said licence.

Without expressing any opinion upon the merits of the case, the issue regarding liability to pay compensation only is remanded back to the

Tribunal. The parties would be at liberty to adduce fresh evidence in support of their case. Since the quantum of compensation is not in dispute, the presence of claimants before the Tribunal is dispensed with.

Parties are directed to remain present before the Tribunal on 10.07.2018.

Accordingly, the present appeal is partly allowed to the above extent.

14.05.2018

Riya Grover

(AVNEESH JHINGAN)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>