

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.12587-CII of 2015 in/and
FAO No.3984 of 2015 (O&M)
Date of Decision : 13.09.2018

Jasvir Singh & others

....Appellants

VERSUS

The New India Assurance Company Limited

...Respondent

BEFORE : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ashwani Arora, Advocate and Ms. Amandeep Kaur, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate for the respondent-Insurance Company.

B.S. WALIA, JUDGE (ORAL)

Appeal has been filed by the owner of the offending vehicle challenging the award passed by the learned Motor Accidents Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal) granting recovery rights to the insurance company against the appellant-owner, in terms of award dated 18.03.2015.

2. The learned Tribunal granted recovery rights to the Insurance Company on the ground that despite directions to the driver-cum-owner i.e. Respondent Nos.1 to 3 before the Tribunal to produce driving licence, RC, Fitness Certificate of offending vehicle, the same had not been produced on record, therefore, adverse inference was drawn in respect thereto against the driver-cum-owner of the offending vehicle. However, application for additional evidence was moved before this Court on the ground that aforesaid documents could not be produced on record in view of the same having been impounded by the police authorities for production before the trial Court in the criminal case registered against appellant No.1 i.e. driver-cum-owner of the offending vehicle.

3. Learned counsel for the Insurance Company had sought time to verify the validity of the documents in question i.e copy of certificate of registration of the offending vehicle No.PB-12-H-7055, certificate issued by the District Transport Officer, Rupnagar, showing the licence of appellant No.1 to be valid at the time of the accident, route permit as well as tax paid receipt for the relevant period.

4. Pursuant to the grant of time for verification of the documents, learned counsel for the Insurance Company has fairly conceded at the Bar that the Registration Certificate, driving licence of the driver of the offending vehicle, route permit as well as the tax paid for the relevant period have been verified and found to be in accordance with law. Accordingly, the application for additional evidence is allowed. Photocopy of RC, driving licence etc. as produced by the learned counsel for the Insurance Company is taken on record.

5. In the light of the position as noted above, the appeal is allowed. The direction of the learned Tribunal, Rupnagar granting recovery rights to the respondent-Insurance Company from the appellant-owner of the offending vehicle, after making payment of compensation to the claimants, is set aside. Award dated 18.03.2015 passed by the learned MACT, Rupnagar is modified to the extent as noted above.

September 13, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No