

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

206

FAO-6403-2014 (O&M)
Date of decision: 07.08.2018

SHINGARA SINGH

... Appellant

Versus

PARAMJIT KAUR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Hemender Goswami, Advocate for the appellant.

Mr. Suvir Dewan, Advocate for respondent No.7.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 28.02.2014 passed by the Motor Accidents Claims Tribunal, Ludhiana whereby compensation has been assessed on account of death of Sardara Singh in a motor vehicular accident that took place on 27.10.2003.

Counsel for the appellant (owner-cum-driver of truck No.PB-11K-0905, alleged offending vehicle) would inform that the appeal has been preferred to assail findings of the Tribunal on issue No.5 pertaining to driving licence on the basis whereof, the insurance company has been given right of recovery against the insured.

Counsel for the parties are *ad idem* that the appeal may be disposed of, findings of the Tribunal on issue No.5 may be set aside and the matter be remitted to the Tribunal for decision on issue No.5 afresh on the basis of evidence to be adduced by the appellant by summoning a representative from the office of DTO, Amritsar and evidence, if any, to be led by the insurance company.

In view of the above, the appeal is disposed of. Findings of the Tribunal on issue No.5 are set aside and the matter is remitted to the Tribunal for decision afresh only on issue No.5 with liberty to the appellant to examine a witness from the office of DTO, Amritsar and thereafter evidence, if any, to be led by the insurance company. Parties through their counsel are directed to appear before the Tribunal on 07.09.2018.

07.08.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No