

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

CM No.12872-CII of 2018 in/and

FAO No.3859 of 2016(O&M)

Date of decision: 9.8.2018

Sukhwinder Singh

....Appellant

VERSUS

ICICI Lombard and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashwani Arora, Advocate for the appellant.

Ms. Vandana Malhotra, Advocate for applicant-respondent
No.1.

REKHA MITTAL, J. (Oral)

CM No.12872-CII of 2018

Heard.

Allowed as prayed for.

Annexure A-1 is taken on record subject to just exceptions.

On joint request made by counsel for the parties, FAO
No.3859 of 2016 is taken on board.

Disposed of accordingly.

FAO No.3859 of 2016

The present appeal has been filed by registered owner of
Motorcycle No.PB65-P-0975 (alleged offending vehicle) to assail findings
of the Motor Accidents Claims Tribunal, SAS Nagar, Mohali (in short 'the
Tribunal') on issue No.4 whereby it has been held that as the driver did not

possess a valid licence, the insurance company shall have the right of recovery against owner/driver i.e. respondent No.1. Along with appeal, the appellant has appended copy of driving licence (Annexure A-1) and statement of Sukhwinder Singh (Annexure A-2). The insurance company, on verification of the driving licence, has placed on record report (Annexure A-1) whereby licence possessed by Sukhwinder Singh has been found to be valid.

Counsel for the insurance company would fairly inform that the report submitted by the insurance company goes in favour of the appellant. That being so, findings of the Tribunal on issue No.4 cannot be allowed to sustain and accordingly set aside. The insurance company shall be jointly and severally liable to pay compensation without any right of recovery against Sukhwinder Singh.

No other point has been raised.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms. As the appeal has been decided on merits, application for condonation of delay in filing the appeal is of academic relevance only.

AUGUST 9, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no