

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CM-20600-601-CII-2015 in/and
FAO-6608-2015 (O&M)
Date of Decision : 11.9.2018

M/s Simar Bus Service

....Appellant

vs.

Davinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sushil Sharma, Advocate for
Mr. Gurcharan Dass, Advocate
for the appellant(s).

Mr. Swarn Tiwana, Advocate
for respondent No.1.

Mr. Chander Kant Thankur, Advocate
for respondents No. 5 and 6.

AJAY TEWARI, J. (Oral)

CM-20600-CII-2015

For the reasons recorded, the application is allowed. Delay of 1
day in filing the appeal is condoned.

CM-20601-CII-2015

For the reasons recorded, the application is allowed. Delay of
1737 days in refiling the appeal is condoned.

Main Case

This appeal has been field by the owner cum driver against the
award whereby the respondent-insurance company has been granted

recovery rights.

Since limited points have been urged detailed reference to the facts is not required.

The case set up by the appellant is that respondent No.1 driver had been appointed after his license was verified. The Tribunal however noticed that the verification was done only in the year 2006 i.e. after the accident. Counsel for the respondents disregarded that plea and stated that no verification prior to the accident was placed on record. The Tribunal however noticed that concerned clerk from DTO, Dehradun had appeared and stated that license no.12310/Dehradun/1996-97 was issued in the name of one Vishal Behl s/o J.C.Behl r/o 13/2, Aashirwad Enclave, Dehradun and was valid only for driving motorcycle from 27.3.1996 to 13.6.2015.

Counsel for the appellant is not in a position to explain how the finding of the Tribunal is wrong.

The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

11.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No