

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

**FAO-918-2014 (O&M)
Date of decision: 18.08.2018**

Pavan Kumar

... Appellant

Versus

Rajinder Kumar Modgil & another

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Ashok Jindal, Advocate for the appellant.

Mr. R.N. Singal, Advocate for respondent No.2.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

A claim petition filed under Section 166 of the Motor Vehicle Act before the Motor Accident Claims Tribunal, Ludhiana by Rajinder Kumar Modgil seeking compensation on account of injuries suffered in a motor vehicle accident came to be adjudicated upon and decided vide award dated 14.11.2013 and a compensation amount of Rs.2,85,598/- was awarded.

2. Instant appeal has been filed by the owner-cum-driver of the insured vehicle i.e. the Mahindra Logan car bearing registration No. PB-31-F-6791 assailing the award dated 14.11.2013 only to the extent of recovery rights having been granted to the Insurance Company qua the compensation amount.

3. Counsel for the parties have been heard.

4. Suffice it to observe that recovery rights were granted to the Insurance Company to recover the compensation amount from the driver-cum-owner of the insured vehicle on the basis that the driver did not possess

a valid driving license at the time of the accident. Along with the instant appeal, an application has been moved under Order 41 Rule 27 CPC to lead additional evidence by placing on record Annexure A1 i.e. driving license of the appellant and to contend that he in fact held a valid driving license as on the date of accident.

5. Mr. R.N. Singal, learned counsel representing the contesting respondent No.2/Insurance Company had been granted time to verify the genuineness of the driving license. During the course of resumed hearing today, Mr. Singal, learned counsel makes a categoric statement that the process of verification has been completed and it has been found that the appellant herein held a valid driving license issued by the Licensing Authority, Mansa on the date of accident. Mr. Singal, Advocate in support of such submission has also produced a verification report issued by the Licensing Authority, Mansa and the same is taken on record as mark 'A'.

6. In view of such categoric stand taken on behalf of the Insurance Company, the instant appeal is allowed. The impugned award dated 14.11.2013 is modified to the extent of denial of recovery rights and the liability to pay the compensation amount awarded to be upon the Insurance Company.

7. Appeal is allowed in the aforesaid terms.

18.08.2018

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |