

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

F.A.O.No.8670 of 2015 (O&M)

Date of Decision: January 11, 2018

Subhan Khan

...Appellant

Versus

The Future General India Insurance Company Limited & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

**Present: Mr.Munfaid Khan, Advocate,
for the appellant.**

**Ms.Vandana Malhotra, Advocate &
Mr.Damodar Khurana, Advocate
for respondent No.1.**

AMIT RAWAL, J. (Oral)

CM No.27419-CII of 2015

For the reasons mentioned in the application, which is supported by an affidavit, delay of 400 days in filing the appeal is condoned.

Application stands allowed.

FAO No.8670 of 2015 (O&M)

The owner-cum-driver is in appeal against the Insurance Company vis-a-vis granting of the recovery rights on the premise that he was not holding a valid and effective driving licence at the time of the accident, which occurred on 23.6.2011 at about 2.30 PM with the offending Truck No.HR-38-J-4149, in which Vishnu, who was travelling in a Three-wheeler, had received the injuries.

Mr.Munfaid Khan, learned counsel appearing on behalf of the appellant submits that during the pendency of the appeal, the driving licence annexed along with the appeal as Annexure P-1 has been got verified by the Insurance Company and found it to be genuine and valid. This fact has not been controverted by Ms.Vandana Malhotra, learned counsel for respondent No.1 and, thus, the recovery rights granted by the MACT are liable to be set-aside.

I have heard the learned counsel for the parties and appraised the paper book.

Since the factum of driving licence to be valid and genuine has not been controverted by the learned counsel for the Insurance Company, the order of the MACT granting recovery rights to the Insurance Company is modified and there shall be no right to the Insurance Company to recover the amount of compensation.

The appeal is disposed of in the aforementioned terms.

The statutory amount of ₹25,000/- deposited by the appellant-owner is ordered to be refunded to him in accordance with law.

January 11, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No