

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

FAO No.903 of 2016 (O&M)

Date of Decision:- 31.5.2018

Tejinder Singh

....Appellant

Versus

Sunita Devi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Sakhun, Advocate
for the applicant-appellant.

Mr. Rajneesh Malhotra, Advocate
for respondent No.6-insurance company.

Gurvinder Singh Gill, J. (Oral)

1. Appellant Tejinder Singh, owner of the offending vehicle has filed this appeal assailing award dated 7.11.2015 passed by learned Motor Accidents Claims Tribunal, Panipat (in short 'the Tribunal'), wherein while awarding compensation to the claimants and directing the insurance company to initially pay the amount in question with the recovery rights to insurer on the ground that route permit produced before the Court pertained to period subsequent to the date of accident.
2. A perusal of order dated 24.2.2016 reveals that while issuing notice to respondents, it had been noticed that liability had been fastened upon the appellant solely on account of the fact that he could not produce the route permit, which was otherwise available. Subsequently, vide order dated 18.3.2016, the insurance company had been afforded two months' time to

verify the factum of route permit of the vehicle in question.

3. Today, Mr. Rajneesh Malhotra, Advocate, counsel for insurance company has fairly submitted that upon verification, the route permit has been found to be genuine in respect of period in question and has filed a photocopy of the verification report, which is taken on record as Ex.A-2.
4. In view of the above stated position regarding there being a valid route permit, the award in question is modified to the extent that the insurer is held liable to pay the compensation without there being any “recovery rights” to recover the same from the driver and owner.
5. The appeal stands accepted with the aforesaid modification.

May 31, 2018
sandeep

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No