

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

FAO No.900 of 2018 (O&M)

Date of decision: 19.04.2018

Raman Kumar

....Appellant

Versus

Manpreet Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jasraj Singh, Advocate,
for the appellant.

Mr. Vinod Gupta, Advocate,
for respondent No.2-Insurance Company.

Mr. Munish Gupta, Advocate,
for respondent Nos.3 to 6-claimants.

RITU BAHRI J. (Oral)

CM No.3033-CII of 2018

Allowed as prayed for.

CM No.3034-CII of 2018

In view of the averments mentioned in the application, same is allowed and delay of 206 days in filing of the appeal is condoned.

CM No.3035-CII of 2018

For the reasons stated in the application, Annexures P-1 and P-2 are taken on record by way of additional evidence.

Misc. application stands allowed accordingly.

FAO No.900 of 2018

up in appeal against the award dated 18.04.2017 passed by the Motor Accident Claims Tribunal, Kapurthala (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.9,94,500/- has been awarded in favour of the claimant-respondent Nos. 3 to 6 on account of death of Ram Murti Gill in a motor vehicular accident which took place on 24.04.2015.

The appellants are not challenging the finding given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver-Manpreet Singh (respondent No.1 in claim petition), as FIR Ex.P1 was registered against him for causing the said accident. The challenge is to the finding given by the Tribunal, where the owner (appellant herein) and driver have been made liable to make payment of compensation as no valid driving licence had been produced before the Tribunal. Insurance company-respondent No.1 has been held entitled to recover the awarded amount from owner and driver of offending vehicle. Issue No.2 was decided against owner and driver-respondent Nos. 1 and 2 (in claim petition) and in favour of the Insurance Company.

I have heard learned counsel for the appellant and perused the case file.

While deciding issue No.2, the Tribunal has observed that Manpreet Singh-driver did not place on record his driving licence nor he himself stepped into the witness box. Even owner of the offending vehicle did not step into the witness and place on record copy of driving licence of the driver. In view of the said fact, this issue was decided in favour of the Insurance Company.

During the pendency of this appeal, copy of driving licence of

Manpreet Singh-driver along with certificate issued by Regional Transport Authority, Hoshiarpur, has been placed on record by way of additional evidence as Annexures P-1 and P-2. After issuing notice of motion, the Insurance Company has got verified the driving licence (Annexure P-2). As per verification report, which is taken on record as Annexure A-1, the licence of Manpreet Singh-respondent No.1 is found to be genuine. In view of the said fact, it is held that on the date of accident driver (Manpreet Singh) was holding a valid driving licence.

Since the driving licence (Annexure P-2) is not being disputed, it is held that on the date of accident, the driver of the offending vehicle was having a valid and effective driving licence. Therefore, the finding given by the Tribunal on issue No.2 is reversed/set aside and all the respondents i.e. owner, driver and insurance company are held liable to pay compensation to the claimants. Since the vehicle was insured on the date of accident, respondent No.2-insurance company will indemnify the award.

Resultantly, the impugned award is modified to the extent that the amount of compensation shall be paid by the Insurance Company-respondent No.2 only and it shall not recover the same from the owner (appellant) and driver of the offending vehicle.

Allowed in the aforesaid terms.

(RITU BAHRI)
JUDGE

19.04.2018
ajp

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No