

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119-1

RA-CR-82-CII-2016 in
FAO No.3724 of 2008 (O&M)

Date of decision: 27.08.2018

Sat Pal

..... Appellant

Versus

Sita Ram and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Divay Sarup, Advocate
for the appellant.

Mr. D.R. Bansal, Advocate
for the applicant-respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

In this review application, a prayer is for modification of judgment dated 12.02.2016 has been made. Notice in the application was issued to respondent No.1, driver and owner and after having been duly served, he has chosen not to appear.

Learned counsel for the Insurance Company has submitted that in the appeal filed by the Insurance Company, this Court vide judgment dated 22.07.2010 has permitted the Insurance Company with a right of recovery against the insured. He submitted that however, while deciding the appeal filed by the claimants, the Court ordered that the liability as fixed by the Motor Accident Claim Tribunal shall remain same as determined by the learned Tribunal. He submitted that this Court has overlooked the

judgment passed by the Court on 22.07.2010 while deciding the appeal of the Insurance Company modifying the judgment of the Motor Accident Claim Tribunal and permitting the Insurance Company to recover the amount.

Keeping in view the aforesaid facts, the order dated 12.02.2016 shall stand modified and the Insurance Company would have a right of recovery as ordered on 22.07.2010 while deciding FAO Nos.4752 and 4753 of 2007.

With these observations, the review-application is disposed of.

27.08.2018
Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No