

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

FAO No. 320 of 2012 (O&M)

Date of Decision: 12.04.2019

Jitender Kumar and another

.....Appellants

Versus

Reliance General Insurance Company Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Lamba, Advocate
for the appellants.

Mr. Manmohan Singh, Advocate
for respondent No.1.

Mr. Vineet Chaudhary, Advocate
for respondents No. 2 to 6.

AVNEESH JHINGAN, J.(oral)

The award dated 3.9.2011 passed by Motor Accident Claims Tribunal, Faridabad, (hereinafter referred to as 'the Tribunal') has been assailed by the owner and driver of Canter bearing registration No. HR-56-B-0275 (for short 'the offending vehicle'). The grievance is against the recovery rights given to the insurer of the offending vehicle.

There is factual dispute that the offending vehicle was being driven by Beer Singh s/o Gajraj and it has wrongly been mentioned as Mir Singh. It is claimed that Mir Singh and Beer Singh is one and the same person.

The issue with regard to genuineness of the driving licence could not be appropriately decided by the Tribunal as the driving licence exhibited was in the name of Beer Singh whereas the driver was impleaded

as party as Mir Singh. The issue with regard to liability to pay only is remitted back to the Tribunal to be decided afresh after providing opportunity to the driver and owner of the offending vehicle and the insurer. It is clarified that the remand will not effect the quantum of compensation awarded and the entitlement of the claimants for disbursement of the compensation.

Parties are directed to appear before the Tribunal on 30.5.2019.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

12.04.2019
reema

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