

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2015 of 2013 (O&M)
DECIDED ON: MARCH 26, 2019

NEW INDIA ASSURANCE CO. LTD.

.....APPELLANT

VERSUS

GANGA PARSAD AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lalit Kumar, Advocate for
Mr. Ashwani Talwar, Advocate
for the appellant.

None for respondent No.1.

Mr. Aayush Gupta, Advocate
for respondents No.2 and 3.

AVNEESH JHINGAN J. (ORAL)

The award dated 20.10.2012 passed by the Motor Accident Claims Tribunal, Ludhiana (for brevity 'the Tribunal') has been assailed by insurer of truck bearing registration No. PB-10-BG-9965 (hereinafter referred to as the 'offending vehicle').

The issue raised in the present appeal is that the driving licence produced Ex.RA/2 was not valid on 23.12.2006, hence, the recovery rights should be awarded to the appellant.

A claim petition under Section 166 of the Motor Vehicle Act, 1988 (for short 'the Act') was filed. The Tribunal after considering the facts and on appreciating the evidence adduced, held that the accident was caused due to rash

and negligent driving of the offending vehicle. The insurer of the offending vehicle was held liable to pay the compensation. Aggrieved of the liability to pay compensation, the present appeal has been filed.

Learned counsel for the appellant relied upon the statement of the driver of the offending vehicle, wherein he stated that he never knew how to drive the car or any other motorcycle and further stated that he had not got prepared the driving licence Ex.RA/2. Learned counsel for the appellant argues that once the said fact has been admitted, the Tribunal erred in deciding the issue of liability against the appellant and no further verification was required.

Learned counsel for respondents No.2 and 3 defended the award and contends that the driver of the offending vehicle was holding a valid driving licence on the date of accident.

Neither the period of validity of the driving licence nor the type of vehicle for which the driver was authorised to drive, is forthcoming from the perusal of the licence produced. To decide the said issue certain factual aspects needs to be gone into. The matter only with regard to liability to pay the compensation is remitted back to the Tribunal to be decided afresh after affording opportunity to the driver, owner and insurer of the offending vehicle to produce evidence in support of their respective claims.

Parties are directed to appear before the Tribunal on 30.04.2019.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

MARCH 26, 2019

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No