

FAO-10329 and 10330 of 2014 (O&M)

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

Date of Decision: July 10, 2019

1. **FAO-10329-2014 (O&M)**

Harjeet Singh alias Dalbir Singh and others

Appellants

Versus

Sushma Rani and others

Respondents

2. **FAO-10330-2014 (O&M)**

Harjeet Singh alias Dalbir Singh and others

Appellants

Versus

Anil Kumar and another

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Madan Gupta, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for the Insurance Company.

JAISHREE THAKUR, J. (Oral)

By this common order, this Court shall dispose of both the
above-mentioned appeals as the same set of facts are involved.

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For brevity, the facts have been extracted from FAO-10329-2014.

These are two appeals that have been filed by the appellant-Harjit Singh alias Dalbir Singh and others seeking to challenge the award passed in MACT case No. 1 of 2013.

In brief, a few facts need to be noticed in the instant appeal. An accident took place on 20.11.2012 around 05.15 PM near JMIT College, Radaur, Yamunanagar between the offending vehicle and the motor-cycle being driven by the injured- Anil Kumar. Mohit Kumar was pillion rider on the motor cycle being driven by Anil Kumar. On account of the accident that took place, Anil Kumar suffered injuries whereas Mohit Kumar succumbed to the injuries. Two claim petitions came to be filed seeking compensation on account of the death of Mohit and claiming compensation on account of the injuries suffered by Anil Kumar, which were numbered as MACT case No.1 of 2013 (on account of death of Mohit Kumar) and MACT-2 of 2013 filed by Anil Kumar claiming compensation for the injuries suffered. The MACT allowed compensation to be given on account of death of Mohit Kumar for ₹6,35,800/- and ₹1,24,436/- on account of injuries suffered by Anil Kumar. However, the appellants herein were not able to tender a valid driving license before the MACT, which resulted in the MACT allowing the Insurance Company recovery rights against the driver and the owner of the offending vehicle.

Aggrieved against the recovery rights having been allowed to the Insurance Company, the two appeals were filed by Harjit Singh, the owner- driver of the offending vehicle before this Court along with an

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application filed under Order 41 Rule 27 seeking one opportunity to produce a valid driving license as on the date of the accident, before the MACT.

This Court by a detailed order dated 21.01.2019 allowed the said application on payment of ₹2,000/- as costs in each of the two appeals filed. The parties were directed to appear before the MACT, Jagadhri on 18.02.2019 giving them opportunity to produce additional evidence and prove their valid driving license i.e. Annexure A/1 attached with the application, along with giving an opportunity to the Insurance Company to produce evidence in rebuttal. The MACT was thereafter directed to send a report regarding the validity of driving license of appellant No.1. Thereafter, the appellant appeared before the MACT and adduced the necessary evidence. An opportunity was given to the Insurance Company to produce its evidence in rebuttal. However, on 15.03.2019 the counsel appearing on behalf of respondent No.4 suffered a statement that he does not want to lead any evidence in rebuttal of the additional evidence that had been led by the appellants. Respondents No.1, 2 and 3 closed their evidence and did not tender any rebuttal to the additional evidence.

Thereafter, the Presiding Officer, MACT, Yamunanagar has sent its report holding that the driving license Ex.R-2 is a genuine document. The report of the Presiding Officer, MACT, Yamunanagar dated 23.04.2019 is available on the record of the FAO No.10329 of 2014 and is taken on the record as Mark-A.

I have heard learned counsel for the parties and have also perused the report that has been made.

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In view of the fact that the driving license has been held to be a valid document, this Court has no hesitation in setting aside the order of the MACT allowing the compensation to be recovered from the appellants i.e. respondents No.1, 2, and 3 in the claim petition. The compensation as assessed is to be paid by the Insurance Company only.

Both appeals stand allowed in the aforesaid terms.

Since the appellants herein had deposited ₹25,000/- in both the FAOs, the same be released to them by the Registry on moving an appropriate application.

July 10, 2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No