

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3317 of 2013(O&M)
Date of Order: 12.03.2019

Yunus

..Appellant.

Versus

HDFC Insurance Company Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate,
for the appellant.

Mr. Arjun Atri, Advocate,
for respondents no.1 and 2.

Mr. Rajbir Singh, Advocate, for
Mr. Sanjeev Goyal, Advocate,
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

Appellant, who claims to be representative of the owner of the offending vehicle is in the appeal against recovery rights given by the Motor Accident Claims Tribunal(hereinafter referred to as 'the Tribunal') on the ground that the driver of the offending vehicle, namely Jahid, was holding a driving licence to drive a light motor vehicle whereas he was driving a commercial vehicle.

Learned counsel for the appellant submitted that this aspect of controversy has been resolved by the Hon'ble Supreme Court in the case of **Mukund Dewangan vs Oriental Insurance Co. Ltd., 2016(2) Recent Apex Judgments, 197, equivalent to Civil Appeal No.5826 of 2011**). Learned counsel has further submitted that the aforesaid judgment has been followed

in a subsequent judgment also in the case of *Sant Lal vs. Rajesh & others etc. 2017(3) RCR(Civil), 757.*

Learned counsel appearing for the Insurance Company submits that the appellant was a purchaser but not a registered owner. Hence, he submits that the aforesaid judgment would not come to help the appellant as there is no appeal by the registered owner.

This court has considered the submissions.

As regards, the validity of the driving license, the matter is undisputedly covered by the judgments passed by the Hon'ble Supreme Court in favour of the owner.

As regards the argument of learned counsel for the Insurance Company that the appellant is a purchaser but not a registered owner, it may be noticed that there is no evidence that the vehicle was purchased by the appellant. The insurance policy is in the name of registered owner and claimants are third party.

Keeping in view the aforesaid facts, the findings of the learned tribunal with respect to recovery rights are set aside.

Appeal stands disposed of accordingly.

March 12, 2019
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(ANIL KSHETARPAL)
JUDGE

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