

208 (I)

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

**1. FAO No.3918 of 2013 (O&M)
Date of Decision: 11.02.2019**

The Oriental Insurance Company Ltd.

Appellant

Versus

Mohan Kumar and others

Respondents

2. FAO No.3919 of 2013 (O&M)

The Oriental Insurance Company Ltd.

Appellant

Versus

Mohan Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Pabbi, Advocate
for the appellant.

Mr. Arun Luthra, Advocate
for respondents No.5 and 6.

AVNEESH JHINGAN, J (Oral):

The insurer of Tralla bearing registration No. HR-55G-5170 [hereinafter referred to as 'offending vehicle'] is in appeal against award dated 09.04.2013 passed by the Motor Accident Claims Tribunal, Karnal [for brevity 'the Tribunal'] in MACT Case Nos.23 of 2012 and 24 of 2012 on the ground that there was no valid Driving Licence and as such there was no liability of the Insurance Company.

The insurer has filed two separate appeals, as both the

appeals arise from same award and same accident, these are being disposed of by a common order.

During the proceedings before the Tribunal, Driving Licence was produced by driver and owner of offending vehicle but no evidence or document was produced by the appellant to show that the same was not valid. Even during the pendency of the appeal, verification report has been filed by owner and driver of offending vehicle stating that Driving Licence was validly issued by the licensing authorities. The appellant took time to verify the report with regard to Driving Licence of the driver of the offending vehicle. Today, he seeks more time to verify the same.

As the issue with regard to validity of the Driving Licence is concerned, which may need certain factual aspects to be looked into, the issue with regard to liability to pay compensation only is remitted back to the Tribunal and the same to be decided afresh after affording opportunity to the insurer, owner and driver of the offending vehicle to adduce evidence, if so desired.

Parties concerned are directed to appear before the Tribunal on 01.04.2019.

Both the appeals are disposed of.

[AVNEESH JHINGAN]
JUDGE

February 11, 2019
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |