

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

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Date of decision: 12.12.2019

FAO No.3059 of 2015 (O&M)

Naresh Kumar

... Appellant

Versus

Hardeep Singh and another

... Respondents

FAO No.3689 of 2015 (O&M)

Naresh Kumar

... Appellant

Versus

Surinder Kaur and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajdeep Singh Gill, Advocate for
Mr. MS Dhillon, Advocate for the appellant.
Mr. Vipul Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.3059 and 3689 of 2015 as identical questions of law and fact are involved for adjudication. For facility of reference, facts are taken from FAO No.3059 of 2015.

Counsel for the appellant would inform that appeal has been filed primarily to assail findings of the Tribunal whereby the insurance company has been left at liberty to recover the amount of compensation from respondent No.1 (appellant herein) after payment to the claimant.

Counsel for the parties are *ad idem* that the Tribunal did not frame an issue on the question of driving licence nor recorded any findings in this regard but in the concluding para of the award, an observation has been made entitling the insurance company to recover the amount of compensation from the driver cum owner of alleged offending vehicle. They have further agreed that a specific issue may be framed on the question of driving licence and matter be remitted to the Tribunal for deciding the said question after the appellant produces a copy of driving licence before the Tribunal and necessary verification thereof by the insurance company.

In view of the above, the appeals stand disposed of. Findings of

the Tribunal giving right of recovery to the insurance company against the appellant are set aside. The matter is remitted to the Tribunal for framing an issue with regard to driving licence and thereafter decide the said issue, in accordance with law. Parties through their counsel are directed to appear before the Tribunal on 17.01.2020. The Tribunal shall decide the question of driving licence within a period of three months of parties putting in appearance.

12.12.2019

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No