

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2871 of 2016 (O&M)
DECIDED ON: JANUARY 29, 2019

NATIONAL INSURANCE COMPANY LTD.

.....APPELLANT

VERSUS

VIJAY SINGH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lalit Garg, Advocate
for the appellant.

Mr. Tarun Vir Singh Lehal, Advocate
for the respondents.

AVNEESH JHINGAN J. (ORAL)

The award dated 02.12.2015 passed by the Motor Accident Claims Tribunal, Gurdaspur (for brevity 'the Tribunal') awarding compensation under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') for the death of Parkash Chand in a motor vehicular accident, has been assailed by the insurer of Mini Bus bearing registration No. PB-06-1300 (hereinafter referred to as 'offending vehicle').

The brief facts necessary for adjudication of the present appeal are that a motor vehicular accident took place on 03.09.2010. Prakash Chand alongwith Pritam Lal was going from village Dodwan to Dinanagar on a motorcycle bearing registration No. PB-35-F-2009. The motorcycle was being driven by Pritam Lal. On the way, the motorcycle was struck from behind by a

rashly and negligently driven offending vehicle. The accident proved fatal for Prakash Chand. FIR No. 138, dated 03.09.2010 was registered at Police Station Dinanagar.

A claim petition under the Act was filed by the widow and three children of Prakash Chand. The Tribunal after considering the facts and on appreciating the evidence adduced, held that the accident was caused due to the rash and negligent driving of the offending vehicle. The insurer of the offending vehicle was held liable to pay the compensation. The Tribunal awarded a compensation of ₹3,15,000/- alongwith interest @ 7.5% per annum.

The grievance raised in the appeal by the insurer is that the driver and owner of the offending vehicle failed to produce the driving licence before the Tribunal. During the pendency of appeal the driver and owner of the offending vehicle produced the driving licence. A copy of the same was handed over to the insurer to verify the same.

Today, the insurer has produced a verification report dated 27.12.2018 whereby, it has been verified that the driving licence produced by the driver and owner is genuine. The verification report produced by the insurer is taken on record as Mark 'A'.

In view of above verification report, no grievance of the appellant survives in the appeal and the present appeal has been rendered infructuous.

Disposed of, accordingly.

(AVNEESH JHINGAN)
JUDGE

JANUARY 29, 2019
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Whether speaking/reasoned:
Whether reportable :

Yes / No
Yes / No