

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.4925 of 2015 (O&M)  
Date of Decision: 07.02.2019

New India Assurance Co. Ltd.

... Appellant

Versus

Suman and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. R.C. Kapoor, Advocate  
for the appellant.

Mr. Vikram Singh Rao, Advocate  
for respondent Nos.6 and 7.

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**AVNEESH JHINGAN J. (ORAL)**

The award dated 01.04.2015, passed by Motor Accident Claims Tribunal, Rewari (for brevity 'the Tribunal') has been assailed by the insurer of the vehicle bearing No.HR-38K-6401(hereinafter referred as offending vehicle).

2. Brief facts are that a motor vehicular accident occurred on 26.12.2013, which proved fatal for Shakti Singh. The Tribunal after considering the facts and evidence adduced held that the accident was caused due to the rash and negligent driving of the offending vehicle. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation. FIR No.334 dated 27.12.2013 was registered at Police Station, Khol.

3. A claim petition was filed under Section 166 of the Motor Vehicles Act (for short 'the Act') by legal heirs of the deceased. The Tribunal awarded a

sum of Rs.29,90,000/- along with interest @ 7.5% per annum.

4. Along with the present appeal, the insurer had moved an application for adducing additional evidence and annexing the report received from Licensing Authority, Mathura stating that Driving Licence No.15354/MTR/03 was issued in the name of Kharag Singh, S/o Ramji Lal for driving motorcycle. He states that the said report was received after passing of the award and hence the same could not be produced before the Tribunal.

6. Learned counsel appearing on behalf of the driver and the owner of the offending vehicle submits that, as the report is being produced for the first time in appeal, an opportunity be provided to them verify or rebut the same.

7. The matter only with regard to liability to pay compensation is remanded back to the Tribunal. The remand is necessitated as both-the insurer as well as the driver and owner of the offending vehicle would be required to adduce further evidence in support of their claims.

8. A particular stand is being taken by the insurer in appeal that the driving licence originally issued was fake and the Tribunal shall look into the issue is entirety.

9. The parties are directed to appear before the Tribunal on 28.03.2019

10. Disposed of accordingly.

February 07, 2019  
*rekha sharma*

(AVNEESH JHINGAN)  
JUDGE

|                                  |   |               |
|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |