

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

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FAO-4613-2016 (O&M)

Date of decision: 13.09.2019

RAME @ RAMESHWAR

... Appellant

Versus

BRAHAM PAL AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kamal Chaudhary, Advocate for the appellant.
Ms. Aarti Sharma, Advocate for
Mr. Yash Dev Kaushik, Advocate for respondent No.1.
Ms. Sheenu Sura, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

Rame @ Rameshwar, driver of offending tractor No.HR-29AF-0854 is in appeal to assail award dated 25.04.2016 to the limited extent that recovery right in favour of the insurance company has been given against him as well on the basis of findings recorded by the Tribunal on the question of driving licence.

Admittedly, there is no privity of contract between the driver and insurer and as such, there is no question of violation of terms and conditions of policy by driver of the vehicle. That being so, recovery right given in favour of the insurer against driver of the offending vehicle cannot sustain and is accordingly set aside. In the given scenario, this Court need not to go into the question of validity or otherwise of driving licence as owner of the vehicle has not filed an appeal to assail findings of the Tribunal on the question of driving licence.

In view of what has been discussed, the appeal is partly allowed and recovery right given in favour of the insurer against driver of the offending vehicle is set aside.

13.09.2019

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**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No