

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

**FAO No. 6824 of 2015 (O&M)
DECIDED ON: FEBRUARY 07, 2019**

BALKAR SINGH

.....APPELLANT

VERSUS

PIYUSH THROUGH HIS MOTHER AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

Mr. Sandeep Arora, Advocate
for respondents No.1 and 2.

Mr. Rajbir Singh, Advocate
for respondent No.3.

AVNEESH JHINGAN J. (ORAL)

The award dated 07.11.2013 passed by the Motor Accident Claims Tribunal, Gurdaspur (for brevity 'the Tribunal') has been assailed by the driver-cum-owner of Truck bearing registration No. PB-05-T-9244 (hereinafter referred to as 'offending vehicle').

The claimants have been arrayed as respondents No.1 and 2 and the insurer of the offending vehicle i.e. Shri Ram General Insurance Co. Ltd has

been arrayed as respondent No.3 in the appeal.

The brief facts necessary for the adjudication of the present appeal are that a motor vehicular accident took place on 22.05.2012. In the said accident Jatinder Singh @ Rahul (deceased) lost his life.

A claim petition under Section 166 of Motor Vehicles Act, 1988 (for short 'the Act') was filed by the widow and a minor son of Jatinder Singh @ Rahul. 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 Tribunal awarded a compensation of ₹3,87,200/- alongwith interest @ 8% per annum. The driver-cum-owner (appellant) of the offending vehicle was held liable to pay the compensation as he failed to produce the driving licence before the Tribunal and thus, the insurer of the offending vehicle was exonerated.

Alongwith the appeal, an application under Order XLI Rule 27 of the Civil Procedure Code, 1908 was filed seeking permission to lead additional evidence. A copy of the driving licence is annexed with the afore-said application.

During the pendency of appeal, the insurer of the offending vehicle sought time to verify the driving licence.

Today, the insurer has produced a verification report and submitted that the driving licence is found to be valid. The verification report produced by the insurer is taken on record.

In view of above, the present appeal is allowed and the award dated 07.11.2013 passed by the Tribunal is modified to the extent that the driver-cum-

owner and insurer of the offending vehicle shall be jointly and severally liable to pay the compensation to the claimants.

(AVNEESH JHINGAN)
JUDGE

FEBRUARY 07, 2019
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<i>Whether speaking/reasoned:</i>	<i>Yes / No</i>
<i>Whether reportable :</i>	<i>Yes / No</i>