

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6118 of 2016 (O&M)
DECIDED ON: JANUARY 14, 2019

ORIENTAL INSURANCE COMPANY LTD.

.....APPELLANT

VERSUS

PARAMJIT SHARMA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

AVNEESH JHINGAN J. (ORAL)

The award dated 01.07.2016 passed by the Motor Accident Claims Tribunal, Chandigarh (for brevity 'the Tribunal') has been assailed by the insurer of auto bearing registration No. HR-68-B-6910 (hereinafter referred to as 'offending vehicle').

The claimant, driver and owner of the offending vehicle have been arrayed as respondents no. 1 to 3 respectively in the appeal.

The brief facts necessary for the adjudication of the present appeal are that a motor vehicular accident took place on 13.06.2015. The offending vehicle was involved in the accident. As a result of the accident the claimant received multiple grievous injuries.

A claim petition under Section 166 of Motor Vehicles Act, 1988 (for

short 'the Act') was filed. 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. It was also held that the driver of the offending vehicle was minor and not having a valid and effective driving licence, hence, the recovery rights were granted to the insurer to recover the compensation amount from the driver and owner of the offending vehicle. The Tribunal awarded compensation of ₹2,98,962/- alongwith interest @ 6% per annum. The amount awarded included ₹2000/- as costs.

The grievance raised in the appeal is that as the driver of the offending vehicle was not having any valid driving licence and the father of the driver was the owner of the offending vehicle, the insurance company should have been absolved from the liability to pay the compensation amount.

Notice of motion in the appeal was issued qua respondent No.3, only.

Learned counsel for the appellant-insurance company submits that as per the instructions received, the claimant has already received the amount of compensation from the insurance company.

In such circumstances, the present appeal has been rendered infructuous, as the recovery rights have already been granted to the insurance company to recover the compensation amount from the owner of the offending vehicle.

Disposed of as having been rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

JANUARY 14, 2019

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Whether speaking/reasoned:

Yes / No

Whether reportable :

Yes / No