

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

245

FAO-1151-2017 (O&M)

Date of decision: 18.07.2019

UNITED INDIA INSURANCE CO LTD

... Appellant

Versus

TILAK RAJ & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Harsh Aggarwal, Advocate for the appellant.
Ms. Gunjan Gera, Advocate for respondent No.1.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 01.12.2016 whereby compensation has been assessed on account of injuries sustained by Tilak Raj respondent No.1 in a motor vehicular accident that took place on 14.07.2015.

Counsel for the insurance company would fairly inform that the appeal has been filed to assail findings of the Tribunal only on the question of driving licence possessed by Narinder Chauhan, driver of three wheeler No.PB-11BR-9946.

A relevant extract from order of notice of motion dated 02.03.2017, reads as follows:-

Learned counsel for the appellant has, inter alia, argued that the driver of the auto-rickshaw was holding a driving licence of LMV as defined under Section 2(21) of the Motor Vehicles Act, 1988 and the question whether the transport vehicles are excluded from the LMV licence is pending consideration before the Apex Court in **Mukund Dewangan Versus Oriental Insurance Co. Ltd. etc. 2016(5) RCR (Civil) 34.**

The case **Mukund Dewangan Versus Oriental Insurance Co. Ltd. etc. 2016(5) RCR (Civil) 34** already stands decided by Hon'ble the Supreme Court and controversy raised in the present appeal by the insurance company has been answered against the insurance company. In the given scenario, nothing survives for consideration of this Court.

In view of what has been discussed hereinbefore, the appeal stands disposed of.

18.07.2019

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No