

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

Date of Decision: 31.01.2019

(i) FAO No. 7189 of 2016 (O&M)

Reliance General Insurance Company Ltd.

.....Appellant

Versus

Randhir and others

.....Respondents

(ii) FAO No. 7190 of 2016 (O&M)

Reliance General Insurance Company Ltd.

.....Appellant

Versus

Tridev and others

.....Respondents

(iii) FAO No. 7191 of 2016 (O&M)

Reliance General Insurance Company Ltd.

.....Appellant

Versus

Amit and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Kodan, Advocate
for the appellant.

Ms. Janya Sirohi, Advocate for
Mr. Akshay Jindal, Advocate
for respondents No. 1 and 2.

Ms. Navjot Kaur, Advocate for
Mr. Vishal Gupta, Advocate
for respondent No.3.

None for owner.

AVNEESH JHINGAN, J.(oral)

FAO Nos. 7189, 7190 and 7191 of 2016 arise out of award
dated 22.8.2016 passed by the Motor Accident Claims Tribunal, Panipat (for
short 'the Tribunal').

The common issue involved in all the three appeals filed by the

insurer of the truck bearing registration No.HP-12-C-9870 (for short 'offending vehicle') is that there was no permit to ply the offending vehicle at the time of accident. These are being decided by a common order.

No one has put in appearance on behalf of owner of the offending vehicle inspite of service.

The brief facts are that a motor vehicular accident took place on 20.2.1013. The accident was caused due to rash and negligent driving of the offending vehicle. Two persons were injured and one died in the said accident. FIR No. 63 dated 22.2.2013 was registered at Police Station Samalkha. Three separate claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988.

The Tribunal awarded compensation and held the owner, driver and insurer of the offending vehicle jointly and severally liable to pay compensation.

I have heard learned counsel for the parties and perused the relevant documents.

Learned counsel for the appellant contends that a specific plea was taken before the Tribunal that there is no valid permit to ply the offending vehicle yet the said issue has neither been framed nor decided. His grievance is that atleast recovery rights should have been awarded in such circumstances.

Learned counsel for driver contends that no such opportunity was provided to produce the permit before the Tribunal.

Without expressing any opinion on the merits of the case, the issue only with regard to liability to pay compensation is remitted back to the Tribunal to be decided in accordance with law after affording opportunity to

the insurer, driver and owner of the offending vehicle to adduce evidence in

favour of their claims, if so desired. The Tribunal shall decide the matter after issuing notices to the parties concerned.

Disposed of accordingly.

31.01.2019

reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No