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

**FAO No.2305 of 2017 (O&M)
Date of Decision: 13.05.2019**

Punjrath Road Carrier, Ludhiana

Appellant

Versus

National Insurance Company Ltd. and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Bali, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.1.

None for respondents No.2 and 3.

AVNEESH JHINGAN, J (Oral):

The award dated 10.01.2017 passed by the Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali [for brevity 'the Tribunal'] has been assailed by the owner of Truck bearing registration No. PB-10CR-0224 [hereinafter referred to as 'offending vehicle'] being aggrieved of recovery rights awarded to the insurer of the offending vehicle.

The factum of accident and quantum of compensation are not disputed by the parties. The only grievance raised is that insurer took an objection that the Driving Licence was issued from

Nagaland and the same was not converted into the Smart Card as per notification issued by the Government of Nagaland.

Alongwith the appeal, a copy of Driving Licence converted into Smart Card has been annexed.

On 13.09.2017, learned counsel for the insurer took time to verify the Driving Licence.

Learned counsel for the insurer states that the Driving Licence has not been verified till date.

A factual issue with regard to validity of Driving Licence on the date of accident is involved, which may require further evidence. 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 decide afresh.

The parties are directed to appear before the Tribunal on 15.10.2019.

The appeal is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

May 13, 2019

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1. Whether speaking/ reasoned : Yes
2. Whether reportable : No