

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

256

FAO-3754-2017 (O&M)

Date of decision: 12.03.2019

RELIANCE GENERAL INSURANCE CO LTD ... Appellant

Versus

MUKESH & ORS ... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Lalit Kumar, Advocate for  
Mr. Ashwani Talwar, Advocate for the appellant.  
Mr. Ravinder Phogat, Advocate for respondent No.1.  
Mr. Gunjan Rishi, Advocate for  
Mr. Piyush Aggarwal, Advocate for respondent No.3.

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**REKHA MITTAL, J. (Oral)**

The present appeal directs challenge against award dated 01.03.2017 passed by the Motor Accidents Claims Tribunal, Jhajjar whereby compensation has been assessed on account of injuries sustained by Mukesh in a motor vehicular accident that took place on 23.06.2015.

Counsel for the insurance company would inform that the appeal has been preferred to assail findings of the Tribunal on issue No.3, reads thus:-

Whether respondent No.1 was not holding valid and effective driving licence on the date of accident?OPR-3

Counsel for the appellant would apprise the Court that an application under Order 41 Rule 27 read with Section 151 CPC for producing documents Annexures A1 to A3 by way of additional evidence has been filed. It is further submitted that as per information received under the RTI Act, 2005, driving licence Annexure A4 possessed by respondent No.2 Rajesh Kumar was found to be fake.

Counsel for the parties are *ad idem* that the matter may be remitted to the Tribunal for deciding the issue of driving licence afresh on the basis of materials already on record and additional evidence to be adduced by the insurance company and thereafter evidence, if any, to be led by owner of the offending vehicle.

In view of the above, the appeal stands disposed of. Findings of the Tribunal on issue No.3 are set aside and matter is remitted to the Tribunal for deciding issue No.3 afresh on the basis of materials already on record and additional evidence to be adduced by the insurance company and thereafter evidence, if any, to be led by the registered owner of the vehicle. Parties through their counsel are directed to appear before the Tribunal on 08.04.2019.

12.03.2019

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**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No