

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

240

FAO No.3952 of 2017 (O&M)
Date of decision: 19.07.2019

MEHAR SINGH

... Appellant

Versus

MUNNI DEVI AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sunny Tyagi, Advocate for
Mr. Ajay Ghangas, Advocate for the appellant.

Mr. Lalit Garg, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.12882-CII 2017

Heard.

Allowed as prayed for. Delay of 805 days in filing the appeal stands condoned.

Main Case

Challenge in the present appeal has been directed against award dated 18.12.2014 to the limited extent that insurance company has been exonerated of liability to pay compensation and as such, liability to pay compensation has been fastened against the driver and owner, holding them jointly and severally liable to pay compensation.

Counsel for the appellant has circulated an adjournment slip. However, counsel for the insurance company would apprise the Court that Rajesh Kumar, driver of offending vehicle filed FAO No.2595 of 2015 challenging that the insurance company has been wrongly exonerated of liability to pay compensation and the same was decided in favour of the driver while setting aside findings recorded by the Tribunal on the question of driving licence. He would fairly inform that controversy raised in the present appeal is squarely covered in favour of the appellant in view of judgment dated 08.05.2018 passed in FAO No.2595 of 2015.

In view of the above, the appeal is allowed. Findings of the Tribunal on the question of driving licence are set aside. As a natural

corollary, insurance company shall be jointly and severally liable to pay compensation.

No order as to costs.

19.07.2019

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No