

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 25.03.2019

(i) FAO No. 506 of 2017 (O&M)

Sanjeev Kumar

.....Appellant

Versus

Satgur Singh and others

.....Respondents

(ii) FAO No. 609 of 2017 (O&M)

Sanjeev Kumar

.....Appellant

Versus

Randhir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Mr. Vinod Chaudhri, Advocate
for insurance company.

AVNEESH JHINGAN, J.(oral)

These are two separate appeals against the award dated 11.4.2016 passed by the Motor Accident Claims Tribunal, Patiala, in MACP Case Nos. 21 and 23 of 8.7.2015.

As the grievance raised in both the appeals is regarding exoneration of insurer of TATA 407 bearing registration No.PB-13-T-7510 (for short 'the offending vehicle') hence, these are being disposed of by a common order.

The facts are not disputed by the counsel for the parties.

The only argument raised by learned counsel for the appellant is

that the Tribunal exonerated the insurer on the ground that the driver of the offending vehicle was not holding a valid licence on the date of accident. He has annexed a photocopy of driving licence alongwith verification report to state that on the said date of accident, the driver was holding a valid licence.

Learned counsel for the insurer states that before the Tribunal another licence was produced and now this licence is being produced for first time in appeal. He states that the insurer be given an opportunity to verify the same.

From the perusal of the documents it appears that the licence has been issued from West Bengal and the same was not produced in the claim proceedings. It would not be appropriate to accept the same as it is in the appeal, without giving an opportunity to the insurer to verify the same. The matter only with regard to liability to pay is remitted back to the Tribunal to be decided in accordance with law after providing opportunity to the parties to adduce evidence in support of their claim. The licence is being produced first time in appeal, it has been issued from West Bengal, which will involve certain expenses to be incurred by the insurer. In order to balance the equity, the remand is made subject to costs of ₹ 5000/- to be paid to the insurer.

Parties are directed to appear before the Tribunal on 28.5.2019.

A copy of the licence and verification report produced before this Court be sent to the Tribunal.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

25.03.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No