

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

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Date of decision: 09.05.2019

FAO No.5542 of 2017 (O&M)

Hardev Singh and others

... Appellants

Versus

Sukhdev Kaur and another

... Respondents

FAO No.5543 of 2017 (O&M)

Hardev Singh and others

... Appellants

Versus

Gurdev Singh and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Madan Bhandari, Advocate for
Mr. NK Manchanda, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5542 and 5543 of 2017 as these have emerged out of the same accident and compensation has been awarded separately vide award dated 06.02.2017 in respect of injuries sustained by Sukhdev Kaur respondent No.1 in FAO No.5542 of 2017 and Gurdev Singh respondent No.1 in FAO No.5543 of 2017.

Counsel for the appellants, driver and owner of offending vehicle bus No.PB-04P-8900 would inform that appeals have been preferred to assail findings of the Tribunal in respect of driving licence possessed by Hardev Singh on the basis whereof the insurance company has been given right of recovery after payment of compensation to the claimant(s).

Counsel for the parties are ad idem that findings of the Tribunal on issue No.5 may be set aside and the matter be remitted to the Tribunal for deciding the said issue afresh on the basis of materials already on record and a witness from the Licensing Authority, Mathura to be examined by the appellants before the Tribunal.

In view of the above, the appeals are partly allowed; findings of the Tribunal on issue No.5 are set aside and the matter is remitted to the

Tribunal for deciding issue No.5 afresh on the basis of materials already on record and additional evidence to be adduced by the appellants at their own responsibility in the shape of testimony of official from Licensing Authority, Mathura, and evidence in rebuttal, if any, to be adduced by the insurance company. It is clarified that the appellants shall not be entitle to lead any further evidence except examining an official of Licensing Authority, Mathura. Parties through their counsel are directed to appear before the Tribunal on 15.07.2019. The Tribunal shall decide issue No.5 afresh within three months of the parties putting in appearance.

09.05.2019

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No