

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

**C.M.No. 26007-CII-2017 in/and
F.A.O No. 7881 of 2017
Date of decision:- 02.07.2019**

Sunny Goel ...Appellant

Versus

Surinder Kumar and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vipul Sharma, Advocate
for the applicant-appellant.

Mr. M.B. Jain, Advocate
for respondent No. 3-Insurance Company.

RITU BAHRI J.

C.M.No. 26007-CII-2017

A short reply by respondent No. 3 to the application filed by the appellant, is taken on record.

Application is allowed as prayed for.

Accordingly, Annexure A-1 to A-3 are taken on record.

FAO No. 7881-2017

The present appeal has been preferred by the owner-appellant (for short 'the appellant') against the award dated 14.08.2017 passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') granting the recovery rights to the Insurance Company against the present appellant.

The issue in this case is as to whether the appellant, who is the owner of the vehicle in question, is liable to pay compensation to the claimant/Surinder Kumar-respondent No. 1, or as to whether the

respondent-insurance company is entitled to recover the compensation awarded by the Tribunal, in its impugned award. The vehicle owned by the appellant, driven by respondent No. 2 herein, met with an accident resulting into the injuries to the claimant.

Learned counsel for the appellant at the very outset submits that the learned Tribunal has given recovery rights to the Insurance Company against the appellant on the ground that the appellant has failed to produce the permit of the vehicle.

Learned counsel for the appellant has placed on record the copy of permit (A-1) which was valid from 12.03.2014 to 11.03.2015 and today a reply has been filed by the Insurance Company admitting that the national permit of the vehicle has been found to be genuine. It was valid throughout the territory of India. It was valid on the date of accident i.e 27.10.2014.

In view of the reply filed by the Insurance Company, the award dated 14.08.2017 is modified to the extent that the appellant is not liable to pay compensation to the claimant and the Insurance Company is liable to make the payment of entire compensation to the claimant.

The appeal stands partly allowed to the above extent.

Further it is hereby directed that the amount of Rs.25,000/- deposited by the appellant at the time of filing of appeal, vide draft No. 277057 dated 26.10.2017 in the Registry of this Court be returned to him.

02.07.2019

G Arora

(**RITU BAHRI**)
JUDGE

***Whether speaking/reasoned
Whether reportable***

***Yes/No
Yes/No***