IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No. 16661-CII-2014 in/and
F.A.O No. 6052 of 2014
Date of decision:- 29.11.2019

Bhagat Singh ...Appellant

Versus

Smt. Savita Devi and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikas Kumar, Advocate
for the applicant-appellant.

Mr. Kunal Dawar, Advocate
for respondent Nos. 2 and 3.

Ms. Vandana Malhotra, Advocate
for respondent No. 7-Insurance Company.

RITU BAHRI J.

C.M.No. 16661-CII-2014

The present application has been filed for bringing on record copy of driving licence of Bhura by way of additional evidence.

A short reply by respondent No. 7 to the application filed by the appellant, is taken on record.

After going through the contents of the application, the same is allowed. Accordingly, the driving licence of Bhura by way of additional evidence is taken on record.

FAO No. 6052-2014

The present appeal has been preferred by the owner-appellant (for short 'the appellant') against the award dated 21.02.2014 passed by the learned Motor Accident Claims Tribunal, Faridabad (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 claimants, or whether the respondent-insurance company is entitled to recover the compensation awarded by the Tribunal from the appellant-owner. The vehicle owned by the appellant, driven by respondent No. 6 herein, met with an accident resulting into the death of Surender when he was hit by offending tractor trolley on 02.01.2013.

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 driver/respondent No.6 was not having a valid and effective driving licence to drive the offending tractor.

At the very outset, learned counsel for the Insurance Company on instructions from Abhishek Kushwaha, Manager (Litigation) HDFC Ergo Insurance Co. has informed the Court that the driving licence of the driver of the offending vehicle has been found to be genuine. It was valid on the date of accident i.e 02.01.2013.

In view of the information given by the Insurance Company in the Court today, the award dated 21.02.2014 is modified to the extent that the appellant is not liable to pay compensation to the claimants and the Insurance Company is liable to make the payment of entire compensation to the claimants.

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 in the Registry of this Court be returned to him.

29.11.2019 (***RITU BAHRI***)
G Arora ***JUDGE***

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***