

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

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FAO-4770-2017 (O&M)

Date of decision: 28.02.2020

NANU RAM AND ANR

... Appellants

Versus

RAMESH CHANDER AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sukhdeep Singh, Advocate for the appellants.
Mr. Kulwinder Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed to the limited extent of allowing recovery right in favour of the insurance company on the issue of driving licence possessed by Nanu Ram, driver of tractor No.HR-07E-1599.

Counsel for the appellants would argue that as the driver had a licence to drive light motor vehicle/tractor etc., he was duly licensed to drive a tractor attached with a trolley as well.

Counsel for the insurance company has supported findings of the Tribunal on the question of driving licence.

The controversy raised in the present case is squarely covered in favour of the appellants in view of judgments of Hon'ble the Supreme Court **Nagashetty Vs. United India Insurance Company Limited, 2001 (4) RCR (Civil) 597** and **Mukund Dewangan Vs. Oriental Insurance Company Limited 2017 (7) Scale 731**. In this view of the matter, findings of the Tribunal on the question of driving licence on the basis whereof insurance company has been given right of recovery cannot sustain and accordingly set aside. As a natural corollary, the insurance company shall be jointly and severally liable to pay compensation to the claimants without any right of recovery.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms. Statutory amount of Rs.25,000/- be remitted to the Tribunal for payment to the claimants.

28.02.2020

**(REKHA MITTAL)
JUDGE**

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No