

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

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FAO No.787 of 2017 (O&M)

Date of decision: 25.02.2020

THE ORIENTAL INSURANCE CO LTD

... Appellant

Versus

RACHNA & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. RK Bashamboo, Advocate for the appellant.
None for respondent No.4.
Mr. Karanvir Nanda, Advocate for respondent No.5.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 19.08.2016 to the limited extent of findings of the Tribunal if Narender Singh, driver of offending vehicle i.e. truck bearing No.GJ-06-AT-7519 was duly licensed to drive the transport vehicle on the day of occurrence i.e. 16.09.2015.

Perusal of driving licence Ex.R1 does not make it clear if Narender Singh was authorised to drive a transport vehicle on the day of accident. On the contrary, the insurance company has filed an application seeking permission to adduce additional evidence for placing on record a report that Narender Singh did not have licence to drive a transport vehicle w.e.f. 15.04.2015 till 28.09.2015.

Counsel for the parties are *ad idem* that findings of the Tribunal on issue No.4 may be set aside and the matter be remitted to the Tribunal for deciding the question of validity of driving licence afresh, in accordance with law.

In view of the above, the appeal stands disposed of. Findings of the Tribunal on issue No.4 are set aside. The matter is remitted to the Tribunal for deciding issue No.4 afresh. The insurance company shall be at liberty to adduce additional evidence in respect of driving licence in question and thereafter an opportunity shall be provided to insured to adduce further evidence, if any. Parties through their counsel are directed to appear before the Tribunal on 20.03.2020. The Tribunal shall decide the

question of driving licence within a period of six months of the parties putting in appearance. Since question of driving licence is a dispute *inter se* the insurance company and insured, the Tribunal would not bother the claimants and driver of offending vehicle for deciding the said issue. As the appeal has been disposed of, applications for condonation of delay are of academic relevance. Application for additional evidence also stands disposed of.

25.02.2020

(REKHA MITTAL)
JUDGE

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No