

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

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FAO No.5968 of 2018 (O&M)

Date of decision: 23.01.2020

KULDEEP SINGH

... Appellant

Versus

NATIONAL INSURANCE CO LTD. AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sonu Gill, Advocate for
Mr. DPS Bajwa, Advocate for the appellant.
Mr. RC Kapoor, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 11.10.2017 passed by the Motor Accidents Claims Tribunal, Hisar whereby the Tribunal has decided the issue 'whether the driver had a valid driving licence or not', in pursuance of directions issued by this Court in FAO No.1374 of 1997 decided on 21.09.2010.

The Tribunal has held that driving licence in question was renewed on 11.12.1995 upto 10.12.1998, therefore, during the intervening period from 11.02.1995 upto 11.12.1995, driving licence was not valid and as such, driver had no licence on the date of accident which took place on 15.05.1995. Consequently, the insurance company was given right of recovery against owner and driver of offending vehicle.

The present appeal has been filed only by driver of offending vehicle to assail recovery right given against him. A relevant extract from order of notice of motion, reads as follows:-

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Counsel inter alia contends that even if the appellant was not holding a licence on the date of accident, insurance company cannot press for right of recovery against the appellant being driver of the vehicle as there is no privity of contract between the driver and insurance company.

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There was no privity of contract between the insurer and driver of offending vehicle, therefore, question of appellant having violated the terms and conditions of policy cannot arise in any circumstance whatever. That being so, recovery right given against the appellant cannot be allowed to sustain and accordingly set aside.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

23.01.2020

(REKHA MITTAL)
JUDGE

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