

FAO-492-2013 (O&M)

DHARAMBIR V/S LABH SINGH AND ORS

Present:- Mr. Rakesh Dhiman, Advocate
for the appellant.

Mr. J.P. Dhull, Advocate
for respondent No.1.

Mr. Nigam Bhardwaj, Advocate
for respondent No.3-Shri Ram General Ins. Co. Ltd.

The present appeal has been filed by appellant-Dharambir, owner of the offending three-wheeler bearing registration No.HR-55-H-4426.

The facts of the case are that Labh Singh-claimant was awarded compensation of Rs.1,50,000/- vide award dated 05.11.2012 passed by the MACT, Gurgaon on account of the injuries suffered by him in a motor vehicle accident that had taken place on 29.06.2011. Since the driver of the offending vehicle was not holding a valid driving licence, therefore, the recovery rights were given to respondent No.3-Insurance Company to recover the amount of compensation from respondents No.1 and 2 in accordance with law.

Dharmbir -appellant has filed the present appeal annexing the certified copy of the driving licence of the driver Vikas Yadav as Annexure A-1.

The present appeal has been referred to this Forum for settlement.

The Insurance Company has verified the said driving licence. Learned counsel for the Insurance Company has stated that after verification, the same was found to be valid on the date of accident and as such the Insurance Company will not recover the amount of compensation from the owner and driver.

Learned counsel for the appellant has stated that in view of the said stand of the Insurance Company, he does not press this appeal and the same be disposed of.

In view of the said situation, the driving licence verified by the Insurance Company is to be valid and no recovery is to be effected from the owner and driver and also in view of the statement of learned counsel for the claimant, the appeal accordingly stands disposed of as not pressed.

Registry of the Hon'ble High Court to remit the statutory amount of Rs.25,000/- deposited at the time of filing the present appeal to the appellant.

(J.C. VERMA)
PRESIDENT

(ARVIND KUMAR)
MEMBER

06.09.2022
Atul/vipin