

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230

FAO No.2858 of 2016 (O&M)

Date of Decision : 22.07.2022

Ajeeram

....Appellant

VERSUS

SBI General Insurance Co. Ltd. and Ors.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kunal Dawar, Advocate for the appellant.

Mr. Rajneesh Malhotra, Advocate for respondent no.1.

ALKA SARIN, J. (Oral)

CM-10421-CII-2016

This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 23 days in filing the present appeal.

For the reasons stated in the application, the same is allowed.

The delay of 23 days in filing the present appeal is condoned.

CM stands disposed off.

CM-10422-CII-2016

This is an application under Section 173 of the Motor Vehicles Act, 1988 for exemption from depositing Rs.25,000/-.

The present application has since been rendered infructuous.

CM stands disposed off as infructuous.

FAO-2858-2016 (O&M)

Learned counsel for the appellant (owner of the offending vehicle) by way of application (CM-10423-CII-2016) under Order XLI Rule 27 read with Section 151 of the Code of Civil Procedure, 1908 has sought to lead additional evidence to show that the driver of the offending vehicle was holding a valid driving licence at the time of accident.

Mr. Rajneesh Malhotra, Advocate, counsel appearing on behalf of respondent no.1, would contend that since the dispute is only *qua* the recovery rights, which have been awarded to respondent no.1-Insurance Company, service of remaining respondents may be dispensed with.

Ordered accordingly.

Learned counsel for the parties are *ad idem* that amount of the compensation stands disbursed to the claimants. However, the issue of valid driving licence now sought to be produced would need to be proved in accordance with law regarding recovery rights, if any.

In view of the above, the matter is remanded back to the Tribunal only with regard to issue no.3 i.e. “*Whether respondent no.1 was not having valid and effective driving licence at the time of alleged accident? OPR*”. Both the parties would be given an opportunity to lead their evidence *qua* the said issue in accordance with law.

The award *qua* the compensation awarded to the claimants stands affirmed.

In view of the above, the present appeal by the owner of the offending vehicle stands disposed off in the above terms. Pending applications, if any, also stand disposed off. Parties to appear before the Tribunal on 08.08.2022.

22.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO