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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 943/2011 & CM APPL. 44571/2022**

ASHOK KUMAR & ANR Appellants
Through: **Mr. Javed Ahmad & Ms. Aakriti Aditya, Advs.**

versus

SANJAY SINGH & ANR Respondents
Through: **Mr. Ravi Sabharwal, Adv. for R2.**

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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22.05.2024

1. This is a contest between the appellants who are the registered owner and driver, respectively, of the offending vehicle and the insurer i.e. respondent No.2/United India Insurance Co. Ltd. The amount of compensation awarded has already been disbursed to the claimants, who are the legal heirs of the deceased.
2. Having heard learned counsels for the parties present, it is brought out that there are two reports which appear to have been issued by the same RTO with regard to the validity of the driving license of appellant No.2. The issue which arises is whether or not the driving license of the appellant No.2 was genuine and valid as on the date of the accident. In order to decide the issue, the parties have to be afforded an opportunity to lead evidence.
3. Hence, the matter is remanded back to the learned Tribunal with direction to allow the parties to lead evidence on the issues whether or not appellant No. 2 was holding a valid and effective



driving license on the date of accident i.e. 02.08.2006. Needless to provided that a decision on such issue shall be followed by a determination as to which of the party was liable in the first place to pay compensation to the claimants.

4. The parties shall appear before the learned Tribunal for recording of evidence on 12.08.2024.

DHARMESH SHARMA, J.

MAY 22, 2024/sa