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

Date of decision : 19.02.2026

FAO No.1851 of 2020 (O&M)

JAGIR SINGH

Versus

....Appellant

BRIGHTWAY CONTRACTORES AND DEVELOPERS AND OTHERS

...Respondents

FAO No.6222 of 2023 (O&M)

BRIGHTWAY CONTRACTORES AND DEVELOPERS

Versus

....Appellant

JAGIR SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the appellant in FAO-1851-2020

Mr. Dheeraj Mahajan, Advocate and
Mr. Jasjit Singh Saini, Advocate
for the appellant in FAO-6222-2023 and
for respondent No.1 in FAO-1851-2020.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

CM-5498-CII-2020 in FAO-1851-2020

This is an application filed under Section 5 of Limitation Act
seeking condonation of delay of 90 days in filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for
condonation of delay.



Consequently, the present application is allowed. The delay of 90 days in filing the instant appeal is hereby condoned.

CM No.21392 & 21397-CII of 2023 in FAO-6222-2023

Instant applications have been filed seeking condonation of delay of 102 days in re-filing and 223 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present applications are allowed. The delay of 102 days in re-filing and 223 days in filing the instant appeal, is hereby condoned.

Main Appeals

These are two appeals directed against award dated 08.07.2019 passed by MACT, Amritsar, pertaining to the same accident.

2. FAO No.6222 of 2023 is at the best of the insured. FAO No.1851 of 2020 has been preferred by the claimant.

FAO No.6222 of 2023

3. The insured is aggrieved of recovery rights awarded by the Tribunal against him for want of valid driving licence. Along with the appeal, an application has been filed under Order XLI Rule 27 CPC for leading evidence to prove valid driving licence possessed by respondent No.2, driver of the offending vehicle, namely Rajan Kumar.

4. On 22.01.2026 following order was passed:



“Counsel representing respondent No.3/Insurance Company submits that the insurer is already in process of verifying the driving licence produced on record by the appellant, invoking Order XLI Rule 27 CPC. He prays for time to furnish the verification report.

On his request, adjourned to 19.02.2026.

To be shown in the Urgent List.”

5. Today, Mr. Bhardwaj informs the Court that the licence possessed by respondent No.3 Rajan Kumar, has been found to be valid. He however submits that the offending vehicle was being plied without valid permit. Yet, there is no evidence led by the insurer to prove the same.

6. In view of aforesaid conceded position, this Court finds that the findings recorded by the Tribunal on Issue No.4, cannot be sustained. The same are hereby set aside.

7. A fortiori thereof, findings recorded by the Tribunal on Issue No.5 granting recovery rights to the insurer cannot be sustained.

8. In view of above, the present appeal filed by the insured is allowed.

FAO No.1851 of 2020

9. Keeping in view that the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 and it is a case wherein a 19 year old young man lost his life, the compensation awarded by the Tribunal, is enhanced to Rs.5,00,000/- i.e., the maximum that can be awarded under the Schedule.



- 10 With the aforesaid modification in the impugned award, the instant appeal is disposed off
11. Pending application, if any, shall also stand disposed off.
12. A copy of this order be kept on the file of other connected case.

February 19, 2026
Dpr

(Pankaj Jain)
Judge

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