IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Cross objection No. 32 CII of 2003 in/and FAO No. 1065 of 2003 (O&M) Date of decision: 30.4.2012

. . .

New India Assurance Co. Limited

.....Appellant

VS.

Smt. Krishna and others

.....Respondents

Coram: Hon'ble Mr. Justice K.C. Puri

Present: Sh. R.C. Gupta, Advocate for the appellant

Sh. Kapil Aggarwal, Advocate for respondents No. 1 and 2.

Sh. Suresh Ahlawat, Advocate for respondent No.3- cross objector.

...

K.C. Puri, J.

Challenge in this appeal is the award dated 10.12.2002 passed by Sh. V.S. Malik, Motor Accident Claims Tribunal, Narnaul,vide which the claim petition was accepted and a sum of ₹8,89,900/- was allowed to the claimants alongwith interest @ 9% per annum.

The Insurance company has preferred the present appeal on

the ground that there is a finding recorded by the Tribunal that Satyavir Singh driver and owner of the offending vehicle was not holding a valid driving licence, whereas Satyavir Singh has filed cross objection No. 32 CII of 2003, in which he has placed on record the verification that his driving licence was bearing No. 6885/RSD and was valid at the time of accident.

Counsel for the Insurance company, as well as, counsel for Satyavir Singh – driver and owner, has stated at the Bar that they have no objection in case the case is remanded back to the Tribunal to decide afresh regarding the validity of the driving licence.

So, in these circumstances, the case is remanded back to the Tribunal for deciding afresh regarding the validity of the driving licence.

In case, the Tribunal comes to the conclusion that Satyavir Singh was not holding a valid driving licence, in that case, the Tribunal shall give recovery right to the Insurance company. However, if the driving licence of Satyavir Singh is found to be valid, then liability would be joint and several.

However, it is made clear that claimants shall not be bothered during these proceedings. The Insurance company shall pay the amount as per the award. The inter se dispute between the Insurance company and the owner and driver shall be decided by the Tribunal as per statement of the parties.

Parties are directed to appear before the Tribunal on 28.5.2012.

In the meantime, 50% of amount, which has been stayed by this Court, be paid to the claimants, within one month.

The appeal stands disposed of.

 $\begin{array}{c} \text{(} \quad \text{K.C. Puri)} \\ \text{30.4.2012} \\ \text{chugh} \end{array}$