



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209-A

FAO-7111-2018 (O&M)

Date of Decision: 30.04.2025

Suresh Kumar and another

.... Appellants

Versus

Balwinder Kaur and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. BK Bagri, Advocate for the appellants.

Mr. BS Baath, Advocate  
for respondents No. 1 to 3-claimants.

Mr. Rajbir Singh, Advocate  
for respondent No. 4-Insurance Company.

**NIDHI GUPTA, J. (ORAL)**

**CM-13930-CII-2019**

Prayer in this application filed under Section 5 of the Limitation Act, 1963 is for condonation of delay of 1918 days in filing the accompanying appeal.

Heard.

For the reasons stated in the application which is supported by an affidavit, the same is **allowed**; and delay of 1918 days in filing the accompanying appeal is condoned.

**FAO-7111-2018 (O&M)**

The appellants, namely, Suresh Kumar and Anoop Singh/owner and driver, respectively of TATA-407 Canter bearing registration No. HR-57-8645 (hereinafter referred to as-‘the offending vehicle) have filed the instant appeal against the impugned Award dated 24.05.2013 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (for short- ‘the Tribunal) in a petition bearing MACT No. 64 of 2011 dated 29.08.2011,



whereby the learned Tribunal had awarded compensation to the tune of ₹5,38,616/- to the claimants/respondents No. 1 to 3 herein; and further granting recovery rights to respondent No. 4-Insurance Company to recover the aforesaid amount from the appellants.

Learned counsel for the appellants/owner and driver of the offending vehicle, *inter alia*, submits vide impugned Award, recovery rights were granted to respondent No. 4-Insurance Company by the learned Tribunal only on the ground that the offending vehicle did not have valid route permit on the date of accident i.e. 19.07.2011. It is submitted that the aforesaid ground was factually incorrect as, on the date of accident, the appellants possessed a valid route permit which has been placed on record as Annexure A-1 (typed copy) and Annexure A-2 (photocopy of the original).

On instructions, learned counsel for respondent No. 4-Insurance Company submits that the said route permit has been verified and vide report dated 22.01.2025, the same is found to be valid. It is submitted that he has 'no objection', in case the present appeal is allowed.

In view of the above, the present appeal is **allowed**; and the impugned Award dated 24.05.2013 is **set aside** only to the extent of recovery rights granted to respondent No. 4-Insurance Company; and the Insurance Company is held liable to pay the amount of compensation to the claimants.

Pending application(s), if any, shall also stand disposed of.

**30.04.2025**  
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**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned**      **Yes/No**

**Whether Reportable**              **Yes/No**