

SUPREME COURT OF INDIA

National Insurance Co.Ltd.

Vs.

Naresh Kumar & Ors.

C.A.No.....of 1999

(G.T.Nanavati and S.N.Phukan,JJ.)

19.02.1999

ORDER

1. Special leave granted.
2. Heard learned counsel for the parties.
3. The appellant Insurance Company had filed an appeal before the Punjab & Haryana High Court against the award passed by the Motor Accident Claims Tribunal, Hissar. The High Court dismissed the appeal observing that the Tribunal has given a finding that renewal of the licence was genuine. We do not find any discussion regarding the evidence. The High Court has not considered whether that finding of the Tribunal is correct or not. It being a regular first appeal the High Court should have dealt with the evidence in its judgment and recorded findings on the points raised by the parties. As that has not been done, this appeal is allowed, the judgment of the High Court is set aside and the matter is remitted to the High Court for disposal in accordance with law. Till then, the impugned decree against the Insurance Company shall not be executed, if it has not been executed so far.