

Court No. - 8

Case :- FIRST APPEAL FROM ORDER No. - 496 of 2001

Appellant :- National Insurance Company Ltd.

Respondent :- Naresh Chandra Yadav And Others

Counsel for Appellant :- Alka Verma, Satyajit Banerji

Counsel for Respondent :- Mukesh Singh, Sarveshwar Mehrotra

Hon'ble Ajay Bhanot, J.

Heard Shri Satyajit Banerji, learned counsel for the appellant and Shri Sarveshwar Mehrotra, learned counsel for the respondents.

This first appeal from order arises out of the judgment and award dated 24.07.2001 passed by the learned VIIth Additional District Judge, Lucknow in M.A.C.P. No. 401 of 1997 (Naresh Chandra Yadav Vs. Smt. Kiran Singh and others).

Shri Satyajit Banerji, learned counsel for the appellant-Insurance Company submits that the learned tribunal erred in law by finding that the driver of the offending vehicle was possessed a valid driving licence at the time of the accident.

From the submissions it is evident that the only issue arises for consideration is that whether the driver of the offending vehicle was in possession of a lawful and valid driving licence at the time of the accident?

The accident occurred on 04.11.1996. The learned

tribunal in the impugned award has recorded that the driving licence of the driver of the offending vehicle which was introduced as evidence, was duly registered by the Regional Transport Officer and was valid from 20.05.1996 to 17.05.2001. The learned tribunal has also found that the aforesaid driving licence was not contested by the appellant-Insurance Company nor was any evidence tendered to refute its authenticity.

Once the challenge to the genuineness of the driving licence was waived before the learned tribunal, the appellant-insurance company cannot raise this issue of fact before the appellate court for the first instance.

In this wake, this Court finds no infirmity in the findings of the learned tribunal that the licence was lawful and valid and the same calls no interference.

The first appeal from order is, accordingly, dismissed.

Order Date :- 10.8.2023

Dhananjai