



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 20.07.2026

i) **FAO-2519-2026 (O&M)**

Oriental Insurance Co. Ltd. ...Appellant

Versus

Ankita and others ...Respondents

ii) **FAO-2544-2026 (O&M)**

Oriental Insurance Co. Ltd. ...Appellant

Versus

Meera and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Harsh Aggarwal, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

**CM-9138-CII-2026 &
CM-9137-CII-2026 in FAO-2519-2026**

Heard.

For the reasons mentioned in the applications, the same are allowed and delay of 14 days in filing the appeal; and delay of 37 days in refiling the appeal are hereby condoned.

**CM-9271-CII-2026 &
CM-9270-CII-2026 in FAO-2544-2026**

Heard.

For the reasons mentioned in the applications, the same are allowed and delay of 08 days in filing the appeal; and delay of 37 days in refiling the appeal are hereby condoned.



CM-9139-CII-2026 in and FAO-2519-2026; and FAO-2544-2026

Both these appeals have been preferred by the appellant–Insurance Company assailing the common award dated 29.10.2025 passed by the learned Motor Accident Claims Tribunal, Chandigarh, whereby two claim petitions arising out of the same motor vehicular accident were decided by a common award.

CM-9139-CII-2026 : Application under Order XLI Rule 27 CPC

2. Since identical questions arise in both the appeal, they are being disposed of by this common order.

3. The appellant in FAO 2519-2026 seeks permission to produce by way of additional evidence the verification report dated 05.01.2026 (*Annexure A-1*) and the alleged verification report dated 10.01.2026 (*Annexure A-2*) relating to the driving licence of the driver of the offending vehicle.

4. Learned counsel for the appellant submits that the driver of the offending vehicle was not holding a valid and effective driving licence on the date of the accident, therefore, the Insurance Company ought to have been granted recovery rights against the owner and driver. It is submitted that the aforesaid documents could not be produced before the learned Tribunal and are necessary for the just adjudication of the controversy.

5. I have heard learned counsel for the appellant and carefully examined the documents sought to be produced.

6. Annexure A-1 is merely a communication addressed by one Sh. Baljinder Singh Bhatt, Advocate, to the Secretary, Licensing Authority-cum-RTA, Jalandhar requesting verification of a driving licence purportedly standing in the name of Ranjit Singh Pannu. Annexure A-2 is a



communication allegedly sent by the said Advocate to the Manager, Legal Hub, Oriental Insurance Company Limited stating that, according to the information received from the Licensing Authority, no online record pertaining to the licence in question was available.

7. Even assuming that these documents are permitted to be taken on record, they do not advance the case of the appellant in any manner.

8. To begin with, the driver of the offending vehicle, as pleaded in the claim petition and throughout the proceedings before the Tribunal, is Ramji Pannu and not Ranjit Singh Pannu. Thus, the very documents sought to be produced relate to a person, whose identity does not correspond with the pleadings on record.

9. Even otherwise, learned counsel fairly concedes that neither Sh. Baljinder Singh Bhatt, Advocate, who allegedly obtained the verification, nor any official from the office of the Licensing Authority, Jalandhar, was examined before the learned Tribunal for proving the alleged verification. Consequently, neither the request nor the alleged verification report has ever been proved in accordance with law.

10. More importantly, the contents of Annexure A-2 do not establish that the driving licence produced before the learned Tribunal as Ex.RW1/1 was forged, fabricated or never issued by the Licensing Authority.

11. The report merely records that no online record of the licence was available. The absence of an online entry cannot, by itself, lead to the irresistible conclusion that the licence had never been issued. Numerous licences issued prior to computerisation or licences whose records have not been digitized may not necessarily be reflected in the online database. Therefore, a report regarding non-availability of an online record cannot be equated with a categorical certification from the Licensing Authority that no



such licence was ever issued.

12. The burden to establish breach of the policy condition squarely rested upon the Insurance Company. Such burden could have been discharged only by leading cogent and admissible evidence before the learned Tribunal, particularly by summoning the concerned official along with the original licensing record. That admittedly was never done.

13. It is equally well settled that additional evidence at the appellate stage cannot be permitted merely to fill up omissions or lacunae left by a party during the trial. The jurisdiction under Order XLI Rule 27 CPC is exceptional in nature and can be exercised only when the Court finds that the proposed evidence could not, despite due diligence, be produced earlier, or that such evidence is required by the appellate Court to pronounce judgment effectively.

14. In the present case, none of the above contingency exists. The appellant had every opportunity to summon the concerned official from the Licensing Authority during the proceedings before the Tribunal. The omission to do so cannot now be permitted to be rectified by producing documents which, in any event, do not establish the alleged breach of the insurance policy.

15. Consequently, finding no merit in the application, the same is hereby dismissed.

Main Appeals

16. Learned counsel for the appellant submits that the only contention sought to be urged in these appeals relates to the alleged invalidity of the driver's licence and the consequent entitlement of the Insurance Company to recovery rights. Since the applications for additional evidence have been dismissed, no other issue survives for consideration.



17. The submission is recorded.
18. In view of the discussion made hereinabove, the appellant has failed to establish that the driver of the offending vehicle was not holding a valid and effective driving licence on the date of the accident or that there was any breach of the terms and conditions of the insurance policy. The finding recorded by the learned Tribunal declining recovery rights, therefore, calls for no interference.
19. Consequently, finding no merit in either of the appeals, the same are hereby dismissed. A photocopy of this judgment be placed on the file of the connected appeal.

20.07.2026

Yogesh

(DEEPAK GUPTA)
JUDGE

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