

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010010452011</u> <u>AO/368/2011</u> The Oriental Insurance Co. Ltd --Appellant Versus Sri. Jagat Singh Bora and Another --Respondents <u>Hon'ble Alok Mahra, J.</u> Mr. M.K. Goyal, Advocate for the appellant (through video conferencing). 2. Mr. Ashish Joshi, Advocate for the respondents. 3. The present appeal from order has been filed by the Appellant/Insurance Company against the judgment and order dated 30.06.2011 passed by the Motor Accident Claim Tribunal/District Judge, Pithoragarh in M.A.C.P. No. 101 of 2007, Jagat Singh Bora Vs. Uttarakhand State Road Transport Corporation and Another. 4. The main ground of challenge taken by the Appellant/Insurance Company is that the Motor Accident Claim Tribunal did not consider the fact that the driving license of driver of the bus belonging to respondent no. 1 was not validly issued from the office of RTO, Bareilly and it was a fake driving license. Despite this fact, the entire liability has been fastened upon the appellant Insurance Company. 5. Heard learned counsel for the parties

		and perused the record. 6. As such, after hearing the parties and perusing the record, it is apparent that the issue no. 3 was framed by the learned MACT concerned as to whether the driver of the bus was having a valid driving licence at the time of accident. The learned MACT, while deciding the issue, has held that since no letter issued by RTO, Bareilly showing that the driving license of the bus driver was not issued from Bareilly was produced by the appellant/Insurance Company at the time of written statement or at any subsequent date and it was only produced at the time of statement of DW1 Azhar Ali Khan, as such, the claimant had no occasion or opportunity to contradict the said document. The Tribunal has also held that the person who issued the said document was neither called as a witness to authenticate the veracity of the said document, as such, has not rightly relied upon the said document. 7. Since, the driver's licence was renewed subsequently by RTO, Haldwani, which was proved by the respondent no. 1, as such, the Tribunal concerned in the opinion of this Court have rightly come to the conclusion that the driver of the bus belonging to respondent no. 1, was having a valid driving licence at the time of the accident and since the said bus was insured by the Appellant/Insurance Company, the liability was fastened upon the appellant. Hence, this Court does not find any infirmity or perversity in the impugned judgment and award dated 30.06.2011 passed by the Motor Accident Claim Tribunal/District Judge, Pithoragarh in M.A.C.P. No. 101 of 2007, Jagat Singh Bora Vs. Uttarakhand State Road Transport Corporation and Another, and, as such, no
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			new ground has been raised in the appeal, therefore, the present appeal from order is liable to be dismissed and is hereby dismissed. There shall be no order as to costs. 8. Further, the statutory amount deposited in the Registry of this Court shall be transmitted to the concerned Tribunal for payment to the appellant/Insurance Company. (Alok Mahra J.) 10.08.2026 Ujjwal
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