

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.1790 of 1999

Date of Decision: 19.08.2015

Punjab State Electricity Board, Patiala and Ors.

.....Appellants

Vs.

Kewal Singh and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr.V.S.Chauhan, Advocate for the appellants.

**Mr.Neeraj Khanna, Advocate for
the Insurance Company.**

K.KANNAN, J. (O&M)

The claimant was an employee of State Electricity Board and owner of the vehicle which was involved in the motor accident. The Court, while recording the finding that the driver of the vehicle was responsible, made only the owner of the vehicle liable for taking the objection filed by the Insurance Company on record and considering the copy of the driving licence which was filed before it. The licence had been valid only up to 1981, which was not renewed subsequently.

The State Electricity Board in appeal submits that it always employed licenced persons and therefore, the Tribunal must have accepted that the driver was duly licenced. It is contended that the violation of terms of policy shall be an aspect that ought to be proved only by the insurer. The Tribunal ought to have seen that the

office or production of record that the driving licence had expired on 18.05.1981 itself in the manner contended by the insurer.

It will be too far fetched to make an assumption that Electricity Board always employed licenced persons and therefore, it ought to be presumed that the driver had a valid driving licence. Even the argument that Insurance Company has not discharged the onus, it must be noticed that if, at the trial, the Insurance Company was taking a plea that the driving licence was not valid and produced a copy of the licence that showed the licence had expired, it shall be the duty of owner who has full control over the driver to cause the production of the original to contradict the copy, as Section 133 of the Motor Vehicles Act casts a duty on the owner of the vehicle to give adequate information about all the details regarding the licence of his employee. Even Section 134 of the Act casts a duty on the driver to produce necessary information on the demand by the police relating to the licence particulars.

I find no modification possible. Appeal is dismissed.

19.08.2015
anil

(K.KANNAN)
JUDGE