

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

(1)

FAO No. 6 of 1998.

Decided on: 31.8.2015.

National Insurance Company Limited

... Appellant

Versus

Balbir and others

... Respondents

(2)

FAO No. 7 of 1998.

National Insurance Company Limited

... Appellant

Versus

Ram Pat Dhillon and others

... Respondents

(3)

FAO No. 65 of 1998.

National Insurance Company Limited

... Appellant

Versus

Sunita and others

... Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Paul S. Saini, Advocate and
Mr. J.S. Chatrath, Advocate for
Mr. Ashwani Talwar, Advocate,
for the insurance company.

Mr. Mani Ram Verma, Advocate,
for the respondents.

K.C.PURI.J.(ORAL)

Vide this order, I intend to dispose of afore-

mentioned three appeals (i) FAO No.6 of 1998 titled as 'National Insurance Company Limited vs. Balbir and others; (ii) FAO No.7 of 1998 titled as 'National Insurance Company Limited vs. Ram Pat Dhillon and others and; (iii) FAO NO.65 of 1998 titled as 'National Insurance Company Limited vs. Sunita and others.

The National Insurance company Limited has directed these appeals for fastening the liability upon the owner and driver of the offending vehicle on the ground that driving licence of Jugti Ram respondent is fake.

Learned counsel for the appellant-insurance company has submitted that Jugti Ram himself has stated that he has two driving licences. One issued from DTO, Una and the other issued from DTO, Delhi so, it be presumed that licence issued by DTO, Una is fake. It is further submitted that even the Tribunal has given an observation that licence is fake. However, this Court in FAO No. 2772 of 1998 has dealt with the validity of licence of Jugti Ram and it was held that insurance company has failed to prove that the owner has violated the terms of the policy on the ground that Jugti Ram has fake driving licence. Otherwise also, no evidence has been produced in the present case that licences produced by Jugti Ram are fake. The report of the Advocate has been referred but that cannot be a piece of evidence to prove the fact that licence issued in favour of Jugti Ram is fake. Consequently, the insurance company has failed to prove the fact that licence issued in

favour of Jugti Ram is fake and that by exercising due diligence, the owner could have found out that licence was not in order.

So, in view of above discussion, the appeals are without any merit and the same stands dismissed.

31.8.2015.
SN

(K.C.PURI)
JUDGE